

**OPEN HEARING: NOMINATIONS OF
STACEY A. DIXON
TO BE PRINCIPAL DEPUTY DIRECTOR OF
NATIONAL INTELLIGENCE;
THOMAS A. MONHEIM
TO BE INSPECTOR GENERAL OF THE
INTELLIGENCE COMMUNITY; AND
MATTHEW G. OLSEN
TO BE ASSISTANT ATTORNEY GENERAL FOR
NATIONAL SECURITY**

HEARING
BEFORE THE
SELECT COMMITTEE ON INTELLIGENCE
OF THE
UNITED STATES SENATE
ONE HUNDRED SEVENTEENTH CONGRESS
FIRST SESSION

TUESDAY, JULY 20, 2021

Printed for the use of the Select Committee on Intelligence



Available via the World Wide Web: <http://www.govinfo.gov>

U.S. GOVERNMENT PUBLISHING OFFICE

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[Established by S. Res. 400, 94th Cong., 2d Sess.]

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TUESDAY, JULY 20, 2021

U.S. SENATE,
SELECT COMMITTEE ON INTELLIGENCE,
Washington, DC.

The Committee met, pursuant to notice, at 2:46 p.m., in Room SH-216 in the Hart Senate Office Building, Hon. Mark R. Warner (Chairman of the Committee) presiding.

Present: Senators Warner, Rubio, Feinstein, Wyden, Heinrich, King, Bennet, Gillibrand, Burr, and Blunt.

**OPENING STATEMENT OF HON. MARK R. WARNER,
A U.S. SENATOR FROM VIRGINIA**

Chairman WARNER. I'd like to call this hearing to order and welcome to our nominees: Dr. Stacey Dixon, Thomas Monheim, and Matt Olsen. Congratulations on your nominations to be the Principal Deputy Director of National Intelligence or PPDNI; the Inspector General of the Intelligence Community, IC IG; and Matt, just the Assistant Attorney General for National Security. You don't have an acronym yet. Welcome to your families and those who are both here and watching from home.

Dr. Dixon, I had a brief moment to meet your parents, Herbert and Phoebe Dixon. Mr. and Mrs. Dixon, I know you must be very proud of your daughter's accomplished record.

Tom, I understand your family is watching remotely so want to welcome your wife Cathy, your children, Zach and Kristen, as well as your parents and sister.

Matt, it's great to see you again and welcome to your family, who are also joining remotely, although I understand your son from UVA is here. So that is some home points with me. I may even vote for you now.

I also want to welcome back to this Committee, someone who has been a good friend, the Former Principal Deputy Director of National Intelligence—as well as positions at NGA, CIA, and a host of other wonderful positions—Sue Gordon. Sue will be making an introduction in a few minutes.

Thank you for your service to our country and as I indicated, I always sing Sue Gordon's praises—with the one exception that she did not finish security clearance reform. Dr. Dixon that will now fall to your plate, unfortunately.

All three of you have been nominated to key positions in the Intelligence Community. Obviously, when we face enormous challenges, I think you are all incredibly accomplished and I look forward to supporting all three.

Dr. Dixon, you've obviously been nominated to be the number two at ODNI, and as I previously said to Director Haines, we have to make sure that our Intelligence Community continues that top imperative, which is always to speak truth to power without fear of political retribution.

And I know in our meeting you have made that clear, and it's something that is terribly important. And as we also talked, as we discussed with your capable predecessors, not just Sue Gordon, but Stephanie O'Sullivan, I will look to you to provide leadership across a range of critical issues that sometimes don't get appropriate attention. Security clearance reform, we've already talked about. We talked about overhead space architecture. Another area that we were trying, and we made some progress, is IT reform and bringing some greater efficiencies to the various IC's 18 different components. And obviously, your previous roles at the ODNI, CIA, NRO, director of IARPA, and Deputy Director of NGA will serve you well, and I know you'll hit the ground running.

Mr. Monheim, as we saw over the last few years, the job of IC IG is critical. Should you be confirmed, you will hold one of the most vital roles in the Intelligence Community because independent and impartial Inspectors General help to ensure that there's appropriate oversight of the IC. We want to again make sure that taxpayer dollars are spent wisely. We want to make sure that the IC is conducting their activities within the rule and spirit of the law. And I know that Senator Heinrich, and if Senator Wyden joins us, this Committee strongly stands behind, and my colleagues on the minority side as well, protecting whistleblowers. So, all terribly important and again you have brought enormous experience, General Counsel of NGA, the Deputy General Counsel of the ODNI, and your other roles throughout the IC and military.

Finally, Matt, it's always good to see you and it's good to reconnect. I do think many of us probably have asked questions in private which we may not ask in public.

You know you had a great career at Uber and a series of other private sector firms. We're glad you're willing to come back to the public sector as Assistant A.G. for the National Security Division. You're going to be a key link between DOJ and the Intelligence Community.

Your role will be not only to oversee counterterrorism, including domestic violent extremists, but as we discussed yesterday, one of the challenges of this Committee, FISA 702, which will come back

up in a couple of years—how we maintain that tool but appropriately protect Americans’ privacy. How we’re going to make sure we continue to monitor China’s malign activity, whether it’s IP theft, traditional espionage, or strategic investments in critical technology.

And I do think as we discussed yesterday, it’s terribly important—and I’ll ask you about this—when we talk about China, we make clear that our beef is with the Communist Party of China and Xi Jinping’s leadership. It is not about the Chinese people in China or Chinese-Americans, Asian-Americans, and I think some of that bias will obviously potentially fall into the DVE category.

Again, you are very familiar to this Committee from your previous service at DOJ, General Counsel of NSA, and as NCTC Director.

So I commend all of you. The Vice Chairman will now make a statement, followed by an introduction by Deputy Director Gordon, and then the Members’ questions will be for five minutes in order of seniority.

I now recognize the Vice Chairman.

**OPENING STATEMENT OF HON. MARCO RUBIO,
A U.S. SENATOR FROM FLORIDA**

Vice Chairman RUBIO. Thank you, Mr. Chairman. Thank you all for being here and willing to do this. You all have previous service, you know what you’re getting into, and we’re glad you’re coming back—and we’re grateful to you for your willingness to do it.

You know, it strikes me—and I’ll be very brief—one of the things that we don’t often say enough is it’s hard for democracies and open societies to conduct intelligence activities. It’s hard for them to conduct espionage, because we are open societies and yet the nature of the work that we do in order to protect our country requires secrecy and not because you’re trying to keep things from people, but because you don’t want our adversaries to learn about how we learn things and what we know—for obvious reasons.

And all three of you play a very important role in that. The American people have very little insight, for obvious reasons—they have insight into almost every other agency of government except those charged with our National Security and Intelligence. And so, they trust two things. One, obviously the oversight of Congress to play its proper role; and the other is the people we put in many of the positions you’re about to fill. Dr. Dixon, you know to ensure that, as the Principal Deputy Director of National Intelligence, that as I guess the deputy leader of the orchestra, that all the instruments are playing the right music—that we’re focused on the right targets, that we’re not wasting resources. That people have confidence that we have the right target and the right focus because they don’t know: they have to trust you and the oversight we conduct.

On the Inspector General side, obviously both our workforce and our country needs to know that intelligence is not being abused. And that the employees within these agencies are not being mistreated. It hurts morale, it hurts our ability to recruit people and keep them, but it also allows wrongdoing to go on. And so, the independence of that office is critical for that sort of trust.

And Mr. Olsen, at the National Security Division of the Attorney General's office is twofold. The first obviously is they have to know that we have a robust effort to keep our country safe from threats that come from abroad and that exist from within. But they also need to know that our intelligence capabilities are not being weaponized against our own people. We have had in our history, unfortunately, bipartisan examples of abuses of our intelligence agencies in the past; that's when they've been at their worst.

These are really important jobs. The world has changed a little bit since some of you have been in government service. But the basics of what it takes to maintain the confidence of the American people and our system of intelligence gathering and analysis, the bar remains as high and the environment is more challenging. So, we welcome your willingness to serve once again.

And we look forward to your testimony here today. Thank you.

Chairman WARNER. I'd now like to call on former Principal Deputy Director Sue Gordon to make an introduction.

**STATEMENT OF SUE GORDON, FORMER PRINCIPAL DEPUTY
DIRECTOR OF NATIONAL INTELLIGENCE**

Deputy Director GORDON. Mr. Chairman, thank you very much for your too kind words earlier. Thank you to Vice Chairman Rubio and to the distinguished Members of the Committee. It is so wonderful to see you and it is an honor for me to be here today to introduce my colleague and friend, Dr. Stacey Dixon, as President Biden's nominee for the position of Principal Deputy Director of National Intelligence.

I also note that you will be considering for confirmation two other outstanding former colleagues of mine: Tom Monheim and Matt Olsen. This is indeed a great day for America.

Now I remember my great honor sitting before you four years and one day ago at my confirmation hearing for the same position for which you're considering Stacey. I remember hoping that I would be worthy—worthy of the President's nomination and your confidence in me; worthy of the moment; worthy of the position; worthy of the standard set by my predecessor; and mostly worthy of the women and men who I would be graced to lead.

I sit before you today knowing—knowing—that the woman I get to introduce to you is worthy of all those things.

Stacey is remarkable. Her biography from an education that could only be better if she had managed to fit in a degree from a really prestigious university, like Duke, to the range of positions she has held, demonstrates excellence and experience relevant for a dynamic, disproportionately technical world. And as you've had a chance to meet with her, you have surely noticed that she is special in the combination of intellect, drive, thoughtfulness, humor, and humanity that she exudes simply by entering a room.

And I can feel her family nodding their agreement with me as I sit here.

But Stacey is far more than potential energy. Because I've had the wonderful opportunity to know her, to be her boss on several occasions, and to get to watch her perform in a position I've held, I know the impact, her accomplishments, and who she is as a leader. I can assure you she will both do things and do things right.

She has been responsible for identifying and delivering technology that made a difference to mission outcome. She has forged the type of partnerships both within and without government that were the cornerstone of lasting accomplishment. She's been the catalyst for disparate groups with disparate agendas coming together for shared quests.

She has had the range of leadership opportunities from creation to transformation and from leading tens to tens of thousands. And perhaps most importantly, she has been a quiet, present beacon of hope for those who want to believe in their leaders and who need someone to aspire to be.

Now you all know that these are remarkable times where the challenges seem daunting, where the opportunities hang in the air, and where new solutions must be found. We need an Intelligence Community that is true to the unique role it plays in national security, that is underpinned by sound tradecraft, that is relevant in a digital connected world of new threats, that honors the trust the American people place in us, and that inspires its own women and men to accomplish great heights.

Stacey is designed for this. Her ability, wisdom, courage, integrity and devotion will certainly carry the day. Now, I need no crystal ball nor keen analytic abilities to tell you that should she be confirmed, Stacey will be a great substantive leader for all 18 agencies and organizations of the IC, a fantastic partner for Director Avril Haines—another remarkable leader and human, and that you will find no better ally in performing your vital oversight functions. I have seen her in action. I know the extent of the job she will be stepping into, and it makes me smile to think of how lucky we will all be to have her in place.

Mr. Chairman, thank you for the opportunity to introduce this exceptional nominee for the exceptional position of Principal Deputy Director of National Intelligence.

Thank you.

Chairman WARNER. Thank you, Ms. Gordon, and again I speak on behalf of all of our Members, thank you for your service and it's great to see you again and please don't be a stranger.

I now ask for unanimous consent that letters of support from the nominees received by the Committee will be entered into the record.

With that, we will proceed to administering of the oath.

Will the witnesses please stand and raise your right hand.

[Witnesses stand and raise their right hand.]

Do you solemnly swear to give this Committee the truth, the full truth, and nothing but the truth, so help me God?

[Chorus of I Do.]

Please be seated.

Before we move to your opening statements, I'll ask you each to answer the five standard questions the Committee poses to each nominee who appears before us. They just require a simple yes or no for the record.

First, do you agree to appear before the Committee, here or in other venues, when invited?

[Chorus of Yes.]

If confirmed, do you agree to send officials from your office to appear before the Committee and designated staff when invited?

[Chorus of Yes.]

Do you agree to provide documents, or any other materials requested by the Committee, in order for it to carry out its oversight and legislative responsibilities?

[Chorus of Yes.]

Will you ensure that your office and your staff provide such materials to the Committee when requested?

[Chorus of Yes.]

Chairman WARNER. Matt, you are saying yes on this as well, aren't you?

Mr. OLSEN. Yes.

Chairman WARNER. Okay.

Do you agree to inform and fully brief to the fullest extent possible all Members of this Committee of intelligence activities and covert actions rather than only the Chairman and Vice Chairman?

[Chorus of Yes.]

Chairman WARNER. Again, we'll have the witnesses' testimony and then we'll recognize Members by seniority up to five minutes each. We're trying to do that at the time of the gavel.

Dr. Dixon, are you going to go first, please?

STATEMENT OF STACEY A. DIXON, NOMINEE TO BE PRINCIPAL DEPUTY DIRECTOR OF NATIONAL INTELLIGENCE

Dr. DIXON. Chairman Warner, Vice Chairman Rubio, and distinguished Members of the Committee. It is an honor to appear before you today as the nominee for Principal Deputy Director of National Intelligence. I am grateful to President Biden for the nomination and to Director Haines for her recommendation. I would also like to thank Sue Gordon for her kind words and support.

To borrow a geospatial term, Sue has been a North Star for many of us in the Intelligence Community, and I appreciate her leadership and her mentorship. There's also no way that I would be here before you today without the encouragement and support of my family and friends. I would like to recognize and thank my parents—my father, a retired judge, and my mother, a retired telecommunications vice president; my brother and sister-in-law, an engineer and scientist respectively; my Intelligence Community colleagues; and members of Delta Sigma Theta Sorority. Family, friends, colleagues and classmates are the village that lifts me up, grounds me, prays for me regularly. And I am grateful for their constant presence and support.

I'm a testament to the fact that encouragement matters. My parents taught me not to limit myself or constrain what I thought I could accomplish. My teachers had high expectations of me and challenged me to excel; my bosses gave me opportunities to learn, to take risks, and to grow; and my peers, they give me regular feedback that inspires me to grow as a leader.

To give you some insight into my journey, I joined the Intelligence Community during the recession of 2002. What I needed most at the time was a job. My post-doctoral fellowship ended at a time when employment offers were scarce, even for a Ph.D. in

mechanical engineering. What I received is a nearly 20-year career full of opportunity, excitement, and service.

I learned early on that being an intelligence officer is more than a job. I value the opportunity to serve my country, support national security, and work with some of the most talented women and men in government, industry, and academia.

My colleagues, the intelligence officers who serve our country, embody the IC core values of excellence, courage, respect, and integrity.

During my career, I've had the privilege of serving in both the Legislative Branch and the Executive Branch. Within the Legislative Branch, I worked for the U.S. House of Representatives Permanent Select Committee on Intelligence as a professional staff member, and then was budget director. There, in partnership with this Committee, I learned the importance of oversight, of authorization and appropriation, and of taking and considering the Community as a whole rather than just individual agencies.

Within the Executive Branch, I gained direct experience working for four of the 18 elements of the Intelligence Community: CIA, NRO, NGA, and ODNI. I learned how to turn mission needs into technical specifications, and then validate the results. I learned the importance of communicating at all levels, especially during a crisis. I saw how research and development solves hard technical challenges, and in my current role as NGA's Deputy Director, I see daily that it is the people and our partners that allow us to succeed in today's mission while preparing for tomorrow's mission.

I am so proud to help lead the women and men of the National Geospatial Intelligence Agency. I know there are equally talented women and men in the Office of the Director of National Intelligence as well as in all the other departments and agencies in the IC.

The challenges and threats that Director Haines discussed during the annual threat assessment hearing require more than ever an integrated Community approach. The IC's mission is to collect, process, analyze, exploit, and disseminate information. To do that well as a Community, we will have to embrace new approaches to enable our mission, while also protecting privacy and civil liberties. The IC will have to further harness accelerating technological change, from wherever it originates, to keep pace and evolve.

There are increasingly sophisticated threats and the nature of our conflicts continue to shift. We must identify those gaps in our understanding and bring to bear all of the Intelligence Community's expertise against the current threats, while also being mindful of the emerging disruptive trends and posturing the Nation to be competitive against them in the future.

During her confirmation hearing, Director Haines outlined three priorities: strengthen the institution, align work and resources to the major threats, and build partnerships. If confirmed, I look forward to working with Director Haines and this Committee to implement those priorities. And to that end, I will leverage my background and experience to help integrate the IC's efforts and drive collaboration, innovation, agility, and diversity and inclusion.

The PDDNI's role is more than a manager and more than a leader: it is a bridge builder and a problem solver. There's great

strength in the intelligence disciplines coming together to solve enduring problems and encounter the threats we face. And if confirmed, I look forward to continuing to serve with the women and men of the Intelligence Community—and the larger national security enterprise, which includes academia, industry, international partners, the American public, and Congress.

I look forward to focusing our efforts on protecting and preserving our Nation's prosperity, influence, and those universal values articulated in our Constitution. I am confident that my experiences have prepared me to assist the Director in leading the Intelligence Community; and if confirmed, I will gratefully continue serving my country.

It is truly an honor to appear before you today. I appreciate your consideration of my nomination and I look forward to your questions.

[The prepared statement of Dr. Dixon follows:]

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Dr. Stacey A. Dixon

Nominee for Principal Deputy Director for National Intelligence

Statement for the Record

Chairman Warner, Vice Chairman Rubio, and distinguished Members of the Committee.

It is an honor to appear before you, as the nominee for Principal Deputy Director of National Intelligence. I am grateful to President Biden for his nomination and to Director Haines for her recommendation. I also want to recognize and thank Sue Gordon for her kind words and support. To borrow a geospatial term, she has been a North Star for many of us within the Intelligence Community; I appreciate her leadership and mentorship.

There is also no way I would be before you today without the encouragement and support of my family and friends. I would like to recognize and thank my parents. My father, a retired judge and my mother a retired telecommunications vice president, my brother and sister-in-law, an engineer and scientist, respectively; my Intelligence Community (IC) colleagues, and members of Delta Sigma Theta Sorority, Inc. Family, friends, colleagues and classmates are the village that lifts me up, grounds me, and prays for me regularly. I am grateful for their presence and constant support.

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To give you some insight into my journey – I joined the Intelligence Community during the recession of 2002. What I needed most at the time was a job. My post-doctoral fellowship ended at a time when employment offers were scarce, even for a Ph.D. in Mechanical Engineering. What I received is a nearly 20-year career full of opportunity, excitement, and service. I learned early on that being an intelligence officer is much more than a job. I value the opportunity to serve my country, support national security, and work with some of the most talented individuals in government, industry, and academia. My colleagues, the intelligence officers who serve our country, embody the IC core values of Excellence, Courage, Respect, and Integrity.

During my career, I have had the privilege of serving in both the legislative branch and executive branch. Within the legislative branch, I worked for the U.S. House of Representatives Permanent Select Committee on Intelligence as a professional staff member and then budget director. There, in partnership with this committee, I learned the importance of oversight, authorizations and appropriations, and considering the community as a whole rather than as individual agencies.

Within the executive branch, I gained direct experience working for four of the 18 elements of the Intelligence Community: CIA, NRO, NGA, and ODNI. I learned how to turn mission needs into technical specifications and then validate the results. I learned about the importance of communicating at all levels, especially during a crisis. I saw how research & development solves hard technical challenges. In my current role as NGA's deputy director, I

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see daily that it is our people and partners that allow us to succeed today while preparing for tomorrow's mission. I am so proud to help lead the immensely talented women and men of the National Geospatial-Intelligence Agency. I know there are equally talented women and men in the ODNI and in all of the other departments and agencies that comprise the U.S. Intelligence Community.

The challenges and threats Director Haines discussed during the Annual Threat Assessment hearing require, more than ever, an integrated community approach. The IC's mission is to collect, process, analyze, exploit, and disseminate information. To do that well as a community, we will have to embrace new approaches to enable mission, while also protecting privacy and civil liberties. The IC will have to further harness accelerating technological change – from wherever it originates – to keep pace and evolve. There are increasingly sophisticated threats and the nature of conflicts continues to shift. We must identify gaps in our understanding and bring to bear all of the Intelligence Community's expertise against the current threats, while being mindful of emerging disruptive trends and posturing the nation to be competitive against them in the future.

During her confirmation hearing, Director Haines outlined three priorities: strengthen the institution, align work and resources to major threats, and build partnerships. If confirmed, I look forward to working with Director Haines and this committee to implement these priorities. To that end, I will leverage my background and experience to help integrate the IC's efforts and drive collaboration, innovation, agility, and diversity and inclusion.

The PDDNI's role is more than a manager, more than a leader; the PDDNI is a problem solver and bridge-builder. There is great strength in intelligence disciplines coming together to solve enduring problems and counter the threats we face. If confirmed, I look forward to continuing to serve with the women and men of the Intelligence Community and the larger national security enterprise, which also includes academia, industry, international partners, the American people, and Congress. I look forward to focusing our efforts on protecting and preserving our nation's prosperity, influence, and those universal values articulated in our Constitution. I am confident that my experiences have prepared me to assist the Director in leading the Intelligence Community and if confirmed, I will gratefully continue serving my country.

It is truly my honor to appear before you today, and I thank you for your consideration of my nomination. I look forward to answering your questions.

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Chairman WARNER. Thank you, Dr. Dixon. Mr. Monheim?

**STATEMENT OF THOMAS A. MONHEIM, NOMINEE TO BE
INSPECTOR GENERAL OF THE INTELLIGENCE COMMUNITY**

Mr. MONHEIM. Chairman Warner, Vice Chairman Rubio, Members of the Committee. Thank you for inviting me to appear before you today as you consider my nomination to be the Inspector General of the Intelligence Community. I feel privileged to appear before the Senate, especially alongside my distinguished co-panelists Dr. Stacey Dixon and Hon. Matt Olsen.

I'm honored to have been nominated by President Biden and grateful for the endorsement of Director of National Intelligence Haines. I also appreciate the various letters of support submitted by career government officials and political appointees from both parties. I believe this nonpartisan and bipartisan support is especially important for apolitical positions such as Inspectors General.

I want to thank the IC IG team and others who supported me while I was the Acting Inspector General during the current and former Administrations. I also want to thank the many colleagues and friends who have helped me during this nomination and confirmation process and throughout my career.

Most importantly, I want to express my profound gratitude for the unconditional love and support of my family, including my wife Cathy, my daughter Kristin, my son Zachary, my father Tom, my mother Cathy, and my sister Melissa.

I hope my qualifications are evident from my performance in this position for more than a year, my answers to prehearing questions, and the letters of support. In the interest of time, I will not repeat that information here. I would, however, like to briefly highlight three key themes I believe will give you a better sense of who I am as a person and a professional.

Those are values, people, and partnerships.

The first and foundational theme is values. My parents taught me by their words and their actions the importance of treating everyone with respect, working hard, choosing right over wrong, being accountable, having integrity, and selflessly serving others. After following in my father's footsteps and joining the Air Force, I spent 27 years striving to model the Air Force core values of integrity first, service before self, and excellence in all we do. During my civilian service, I've associated myself with organizations whose values align with my own. The IC IG core values of integrity, independence, transparency, accountability, and diversity resonate with me, inspire me, and if confirmed, will continue to guide me and the IC IG team.

The second key theme is people. People are an organization's greatest asset and leaders must take good care of the people we're entrusted to lead so that together we can better accomplish the mission. My highest priority during the pandemic was to protect the health and safety of the IC IG team while accomplishing our mission as soon as we reasonably and responsibly could do so. The team was resilient and I'm proud of how well they responded to the challenges we faced.

Another top leadership priority was to recruit, develop, and retain a premier workforce. I'm pleased we made progress in several

areas despite the pandemic, and I believe IC IG is on a positive trajectory. Throughout my career, I've been willing to tell the people I lead and the people we served what I believe they needed to hear and not just what they wanted to hear.

The third key theme is partnerships. I have long believed that working closely and collaboratively with others can enhance efficiency and effectiveness. And I've frequently done so with inter-agency, intergovernmental, international, and other partners to achieve better results and promote the greater good. Inspectors General and Congressional Oversight Committees have a particularly important partnership. Congress and IGs have a shared responsibility to help promote good government and be the eyes and ears of the American people, because full transparency is not possible given the often-secret nature of the Intelligence Community's work.

During my time as Acting Inspector General, I demonstrated my understanding of the importance of congressional oversight by actively engaging with congressional committees on multiple occasions on a range of important topics. I have close, collaborative, and productive partnerships with other members of the IC IG Forum, the Council of the Inspectors General on Integrity and Efficiency, the Department of Justice, the Government Accountability Office, and Five Eyes intelligence oversight counterparts. If confirmed, I look forward to further fostering and strengthening all these partnerships.

In sum, I'm a values-based, people-focused, collaborative partner, and dedicated patriot. I first solemnly swore the Constitutional oath when I was commissioned as an Air Force officer more than 30 years ago. And I have renewed that oath many times during my military and civilian career spanning seven different Presidents.

If privileged to be confirmed as the Inspector General of the Intelligence Community, I would proudly take that oath again and do my level best to ensure that Congress and the American people have the trust and confidence that their Intelligence Community operates efficiently, effectively, and lawfully in service to our great Nation.

Thank you again for your consideration and I look forward to answering your questions.

[The prepared statement of Mr. Monheim follows:]

**Statement of Thomas A. Monheim
Nominee for Inspector General of the Intelligence Community**

**Before the United States Senate
Select Committee on Intelligence**

July 20, 2021

Chairman Warner, Vice Chairman Rubio, and Members of the Committee:

Thank you for inviting me to appear before you today as you consider my nomination to be the Inspector General of the Intelligence Community. I feel privileged to appear before the Senate, especially alongside my distinguished co-panelists, Dr. Stacey Dixon and Mr. Matt Olsen.

I am honored to have been nominated by President Biden, and grateful for the endorsement from Director of National Intelligence Haines. I also appreciate the various letters of support submitted by career government officials and political appointees from both parties. I believe this nonpartisan and bipartisan support is especially important for apolitical positions such as inspectors general.

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Most importantly, I want to express my profound gratitude for the unconditional love and support of my family (including my wife Cathy, daughter Kristen, son Zachary, father Tom, mother Kathy, and sister Melissa).

I hope my qualifications are evident from my performance in this position for more than a year, my responses to pre-hearing questions, and the letters of support. In the interest of time, I will not repeat that information here. I would, however, like to briefly highlight 3 key themes I believe will give you a better sense of who I am as a person and as a professional: (1) values; (2) people; and (3) partnerships.

The first and foundational theme is values. My parents taught me (by their words and actions) the importance of treating everyone with respect, working hard, choosing right over wrong, having integrity, being accountable, and selflessly serving others.

After following in my father's footsteps and becoming an Air Force officer, I spent 27 years striving to model the Air Force core values of Integrity First, Service Before Self, and Excellence in All We Do.

During my civilian service, I associated myself with organizations whose values align with my own. The IC IG core values of Integrity, Independence, Transparency, Accountability, and Diversity resonate with me, inspire me, and if confirmed, will continue to guide me and the IC IG team.

The second key theme is people. People are an organization's greatest asset and leaders must take good care of the people we're entrusted to lead so that together we can better accomplish our mission.

My highest priority during the pandemic was to protect the health and safety of the IC IG team, while accomplishing our mission as soon as we reasonably and responsibly could do so. The team was resilient and I am proud of how well they responded to the challenges we faced.

Another top leadership priority was to recruit, develop, and retain a premier workforce. I am pleased we made progress in several areas despite the pandemic, and I believe IC IG is on a positive trajectory.

Throughout my career, I have been willing to tell the people I led and the people we served what I believe they needed to hear, and not just what they wanted to hear.

The third key theme is partnerships. I have long believed that working closely and collaboratively with others can enhance efficiency and effectiveness. And I have frequently done so with interagency, intergovernmental, international, and other partners to achieve better results and promote the greater good.

Inspectors general and congressional oversight committees have a particularly important partnership. Congress and IGs have a shared responsibility to help promote good government and be the "eyes and ears" for the American people because full transparency is not possible given the often-secret nature of the Intelligence Community's work. During my time as Acting IG, I demonstrated my understanding of the importance of congressional oversight by actively engaging with the committees on multiple occasions on a range of important topics.

I have close, collaborative, and productive partnerships with the other members of the IC IG Forum, the Council of the Inspectors General on Integrity and Efficiency, the Department of Justice, the Government Accountability Office, and Five Eyes intelligence oversight counterparts.

If confirmed, I look forward to further fostering and strengthening all these partnerships.

In sum, I am a values-based, people-focused, collaborative partner and dedicated patriot. I first solemnly swore the Constitutional oath when I was commissioned as an Air Force officer more than 30 years ago, and I have renewed that oath many times during my military and civilian career spanning 7 different Presidents.

If privileged to be confirmed as the Inspector General of the Intelligence Community, I would proudly take that oath again and do my level best to help ensure Congress and the American people have trust and confidence that their Intelligence Community operates efficiently, effectively, and lawfully in service to our great Nation.

Thank you again for your consideration. I look forward to your questions.

Chairman WARNER. Thank you.
Mr. Olsen?

**STATEMENT OF MATTHEW G. OLSEN, NOMINEE TO BE
ASSISTANT ATTORNEY GENERAL FOR NATIONAL SECURITY**

Mr. OLSEN. Thank you, Chairman Warner, Vice Chairman Rubio, Members of the Committee. I am honored to appear before you today as the nominee to be the Assistant Attorney General for National Security. I'm grateful to the President for his confidence in nominating me to this important position. I'm joined today by Members of my family: my son Nate, my sisters Jennifer and Susan, and my three nephews Sam, Charlie, and Henry.

I'd also like to just take a moment to remember my parents, Van and Myrna. I was born in North Dakota. My father and my family, we moved here when I was a young boy so that my dad could take a job with a Member of Congress from North Dakota. My mom was a school nurse. In my family, public service was always the highest ideal.

Ten years ago, just about to the day, I sat before this Committee as the nominee to be the Director of the National Counterterrorism Center. Today, as we approach the twentieth anniversary of 9/11, the work of protecting the Nation remains as demanding and as urgent as ever. We now face a dynamic landscape of threats and adversaries that poses new challenges and complexities combating domestic and international terrorism, countering malicious cyber-activity by foreign adversaries, including China and Russia, and ensuring the confidence of the American people in the use of our intelligence tools.

Congress created the National Security Division to take on these challenges, to lead the Justice Department's highest priority protecting our national security. I believe that my experience has prepared me for this responsibility, and if confirmed, I look forward to leading the National Security Division's extraordinary workforce, its career public servants. They are dedicated to securing our Nation with fidelity to our founding values.

I began my career almost 30 years ago at the Justice Department in the Civil Rights Division as a trial attorney. I then served for about a decade as a Federal prosecutor here in Washington, DC. The terrorist attacks on September 11th changed the course of my career. I became a special counsel to Director Mueller at the FBI and helped support the transformation of the FBI. In 2006, I returned to main Justice at the beginning of the National Security Division as the Senior Deputy Assistant Attorney General. My job was to oversee the intelligence activities of the division and in part I was responsible for implementing the landmark changes that Congress passed to the Foreign Intelligence Surveillance Act. I served as the General Counsel of the National Security Agency. And then from 2011 to 2014, I was the Director of the National Counterterrorism Center. And since leaving government, then I have served in the private sector working on cybersecurity issues.

I know from all of this experience that the National Security Division works on a number of fronts to help protect the Nation. I'll touch on a few.

First, terrorism. We know that the threat of terrorism from domestic violent extremists is on the rise. Combating this threat, domestic terrorism threat, as well as international terrorist threat is a top priority for the Department of Justice. And if confirmed, I will remain vigilant against all terrorism threats regardless of ideology.

Next, the National Security Division plays a crucial role in safeguarding our critical infrastructure and data networks against cyberattacks from our adversaries, especially nation-states like China and Russia. And if confirmed, I will work alongside my partners in government as well as with the private sector to deter, disrupt, and prosecute those responsible for these types of attacks.

The Division has also played an important responsibility in preserving our national security tools. It is imperative that the government maintain the trust of the Congress, the FISA court, and the American people in the integrity of how these tools are used, particularly the FISA process. And if confirmed, I will work to ensure that our intelligence activities are carried out on behalf of the American public and that they are carried out in a manner that's consistent with our Constitution, our laws, and our values.

Chairman, this Committee plays a critical role in intelligence oversight, in preserving the trust of the American people, and in advancing the security of our Nation. If confirmed, I pledge to be a true partner to Congress and to this Committee.

I look forward to answering your questions. Thank you.

[The prepared statement of Mr. Olsen follows:]

Hearing before the U.S. Senate Select Committee on Intelligence
Matthew G. Olsen
Nominee for Assistant Attorney General for National Security
July 20, 2021

Chairman Warner, Ranking Member Rubio, and Members of the Committee, I am honored to appear before you today as the nominee for the Assistant Attorney General for National Security.

I am grateful to the President for his confidence in nominating me to this important position.

I am joined here today by my son Nate, my sisters Susan and Jenna, and my nephews. I would like to take a moment to remember my parents. I was born in North Dakota and we moved to Washington when I was young, so my dad could work for the member of Congress from North Dakota. My mom was a school nurse. In my family, public service has always been the highest calling.

Exactly ten years ago, in July 2011, this Committee considered my nomination to become the Director of the National Counterterrorism Center. At the time, we were approaching the tenth anniversary of 9/11. Today, as we approach the 20th anniversary of that day, the work of protecting the nation remains as demanding and urgent as ever.

We now face a dynamic landscape of threats and adversaries that poses new challenges and complexities. These include combatting domestic and international terrorism, countering malicious cyber activity by foreign adversaries, and ensuring confidence and integrity in the use of our intelligence authorities.

Congress created the National Security Division to lead the Justice Department's national security efforts and to foster coordination and unity of purpose across law enforcement and intelligence agencies. Congress also directed the Assistant Attorney General for National Security to serve as the Department's primary liaison to our intelligence agencies.

I believe my experience has prepared me to take on the responsibility of leading the Division at this critical time. If confirmed, I look forward to supporting its extraordinary career public servants who are dedicated to securing our country with fidelity to our founding values. They are our greatest source of strength in combating these threats.

I began my career in the Justice Department almost 30 years ago as a trial attorney in the Civil Rights Division. I then served as a federal prosecutor in the U.S. Attorney's office in Washington, D.C., for over a decade.

The terrorist attacks on September 11 changed the course of my career. I became Special Counsel to the FBI Director to support the FBI's post-9/11 transformation. In 2006 I returned to Main Justice as the senior career official in the new National Security Division, overseeing the Department's intelligence work and the implementation of Congress's landmark changes to the Foreign Intelligence Surveillance Act. I served as the General Counsel of the National Security

Agency and, from 2011 to 2014, as the Director of NCTC. Since leaving government, I have worked in the private sector on countering cybersecurity threats to U.S. companies.

I know from all of this experience, that the National Security Division works on many critical fronts to protect the nation.

First, terrorism. Recent intelligence community assessments have shown the increasing urgency of combatting terrorism motivated by domestic violent extremism. And even as we investigate and prosecute threats posed by domestic terrorists, we must remain alert to the threats of international terrorist groups like ISIS and al-Qaida. If confirmed, I will work with Justice Department leadership to remain vigilant against all of these threats, without regard to ideology. Our mission is to disrupt, investigate, and prosecute all those who would seek to attack the United States.

Next, the National Security Division plays an important part in safeguarding critical infrastructure and public and private networks against cyberattacks by our adversaries, especially hostile nation state actors. If confirmed, I will work alongside leadership in the Justice Department, the Department of Homeland Security, and Intelligence Community, as well as with foreign and private sector partners, to deter, disrupt, and prosecute those responsible for these types of attacks.

The Division also has important responsibilities for the vital national security tools authorized in the Foreign Intelligence Surveillance Act. It is imperative that the government maintain the trust of the public, of the Congress, and of the FISA Court in the accuracy and integrity of the FISA process. If confirmed, I will work to ensure that the intelligence activities carried out on behalf of the American public are consistent with our Constitution, our laws, and our values.

The members of this Committee and Congress play a critical role in intelligence oversight, in preserving the trust of the American people, and in advancing the security of the nation. If confirmed, I pledge to be a true partner to Congress and this Committee.

I look forward to answering the Committee's questions.

Thank you.

Chairman WARNER. Well, thank you all and for planning purposes, any Members of the Committee who wish to submit questions for the record after today's hearing, please do so by 5 p.m. this Thursday, July 23.

Let me also note, I think all three of the witnesses are extraordinarily qualified and I look forward to supporting them.

I'm going to ask a brief line of questions and then I will move to Vice Chair Rubio and he will take over the hearing. I apologize to the nominees and their families. There is some of the stuff that's popping in the news that requires my attention in about 20 minutes.

Dr. Dixon, you know we've raised this. Given that the DNI is the government security executive agent, how do you see your role in leading the trusted Workforce 2.0 initiative, ensuring that transformative security clearance reform remains a top priority for the IC and Administration?

We discussed this, but I want to get you on the record.

Dr. DIXON. Thank you for that question. Certainly, how we bring the new employees into the Community is extremely important, making sure that there is not a long delay before we can bring in this new talent, because we know they have many other opportunities that they're also considering. We have seen some progress in reducing the backlogs for some of the returned background investigations for our current employees. We've also seen decreases in the timelines for new employees coming in. If I'm confirmed, I certainly look forward to further reducing the timelines, but also committing to the larger government-wide efforts that you mentioned: Trusted Workforce 2.0. We've seen some great examples of being able to do continuous vetting. So, letting the technology help us move our investigations more quickly and I look forward to continuing to further that into the next levels of maturing those particular programs.

Chairman WARNER. Well the next level—and this is something that we were hoping to get done—is reciprocity. We still have enormous challenges where somebody goes through a security clearance process in one part of the IC; that clearance is not honored by another part. Matter of fact, we saw even within DHS where people couldn't move from one project inside DHS to another project, sometimes with up to a 100-day delay.

It's inefficient for the workforce, it costs more money for the taxpayer, and we are not attracting and maintaining that best and brightest diverse workforce if young people have to wait a year or two before they get clearance. So, I look forward to working with you on that.

Mr. MONHEIM. Listen, again a topic we touched on, we've got to make sure that—we discussed this in our private session—but please explain how you'd come to Congress to inform us of an important issue in your purview? And how do you see your obligations to keep the Congress and specifically SSCI currently informed?

Mr. MONHEIM. Thank you, Mr. Chairman. I appreciate the time we were able to spend in your office. And as I indicated there, I do believe that keeping Congress and the DNI fully and currently informed are among my most important legal responsibilities. And I take those very seriously.

I think in my year as the Acting Inspector General, I demonstrated not only a commitment to provide this Committee with everything required to do so by law, but exercising my discretion to provide information about problems, deficiencies, corrective actions beyond what was legally required because I thought it was important that you know that information in order to do your important oversight role. And if confirmed, I commit to take that same approach, and as I indicated, be a trusted partner to ensure that you have the trust and confidence, and the American people have the trust and confidence, that the IG is doing this important job.

Chairman WARNER. Thank you, Sir.

Mr. Olsen, two quick questions for you. One, we touched on briefly yesterday. Every Senator on this dais and most of the Members of this Committee—almost everyone—with the exception, I think, of one or two—are working together in a broad bipartisan way and introducing the legislation today that would have some level of mandatory incident reporting of cyber-incidents to some public-private panel, with appropriate immunity protections and confidentiality protections for those entities that report.

Do you believe that this type of legislation would be useful as we try to deal with the enormous threat that cyber poses, that suddenly the American public, I think, has come to realize?

Mr. OLSEN. Chairman, I certainly have seen firsthand the challenge that we face in cyber, both from my work at the National Security Agency and the Department of Justice now 10 years ago, when the threat was not as great as it is today. And in the private sector, I've seen firsthand, in particular, the threat that we face from the most sophisticated adversaries, which are nation-states, particularly China and Russia, and you can see this in the news on a daily basis.

I don't know the precise terms of the legislation that is being proposed. I certainly think that whatever we can do to work together to improve the ecosystem that companies face and that the government faces—because really, we're all in this together, we need to take steps to improve the ecosystem, and I do believe that there's an opportunity for the public sector and the private sector to work together—and potentially with new laws and new authorities—to improve our ability to defend ourselves.

Chairman WARNER. I appreciate that. We look forward to working with you. I thank Senator Rubio and all the Members of the Committee for putting together what I think is a very, very good first product.

And finally, I just want to come back to the topic I raised in our meeting yesterday and in my opening comments. I think the threat of our time is China: it poses a strategic threat and economic threat, a technology threat. But I think it's really important as we and China vie in so many ways that we make clear that our beef is with the Communist Party of China and their policies, not with the Chinese people. And that is not by any means a license for the unfortunate kind of anti-Chinese-American, anti-Asian-American rhetoric that we see too often.

We've heard reports in the past, frankly, not even under the Trump Administration, under the Obama Administration, where

there was a failure of the Justice Department to even meet with the Chinese-American community on a regular basis. And this needs to be rectified. These American citizens need to have their rights protected, but they need to be part of this. They realize the challenges in a more visceral way many times and we need to make sure that we know who the opponent is, which is the Communist Party of China; and we talked about that. I'd like you to speak to that for a few seconds.

Mr. OLSEN. Absolutely, and thank you for the opportunity to address that issue and to meet with you yesterday. No doubt about it, China presents the greatest strategic threat to the United States of any country in the world, from economic espionage to theft of trade secrets, human rights violations, competition, and technology. It is the case, and I learned this when I was at the National Counterterrorism Center, that we need to speak precisely and carefully when we talk about the nature of that threat. And I agree completely with you that that threat emanates from the Chinese government, from the Chinese Communist Party and its leadership, not from the Chinese people, not certainly from Chinese-Americans.

And we need to be very careful when we talk about this threat because we all have been horrified to see the rise of anti-Asian-American violence. I began my career in the Civil Rights Division of the Justice Department. I care deeply about discrimination and fairness. I think we just need to be very careful in how we talk about this threat.

So, we have our eyes on where that threat emanates from and that's the Chinese government.

Chairman WARNER. Thank you all very much. Again, appreciate that Vice Chairman Rubio, continuing to chair that hearing. Senator Rubio.

Vice Chairman RUBIO. Thank you.

Let me just start, Mr. Olsen, by giving you an opportunity to address something that came up. I'm sure you're aware during the questionnaire, the initial questionnaire, you said you had never represented in any capacity, a foreign government and you also answered no when asked if you'd ever received any compensation from or had been involved in any financial or business transactions with a foreign government, or any entity controlled by foreign government.

Then in additional prehearing questions that asked specifically about consulting work, you noted that you were a part-time consultant for two firms, Fairfax National Security Solutions and Booz Allen Hamilton, and worked on matters involving advice for or to the Saudi Arabian government. So I just want to give you an opportunity to address why you answered about your work for Saudi Arabia through these consulting firms in the follow-up prehearing questions but did not address in the initial questionnaire. I want to give you an opportunity to address it.

Mr. OLSEN. I appreciate that very much Vice Chairman. I interpreted the questions about representing foreign governments, I suppose as a lawyer, strictly. Did I represent those governments? The answer to that is no.

I did disclose in the other form that I did a limited amount of work for two firms, Booz Allen and Fairfax National Security Solutions, that was in support of two initiatives involving the Saudi government. One was their interest in building a national counterterrorism center of their own and the other was defensive cyber protections. So, if I misunderstood, I apologize. My goal was to answer the question as directly as possible.

Vice Chairman RUBIO. The nature of your work was advice. You provided them advice and insight as to how to set up the counterterrorism center and the defensive cyber?

Mr. OLSEN. Yes.

Vice Chairman RUBIO. Through these agents, through these entities?

Mr. OLSEN. Through Booz Allen Hamilton and Fairfax National Security Solutions. It was very limited.

Vice Chairman RUBIO. I think that the follow-up question that I think bears asking is have you provided any other advice like that to any other foreign governments?

Mr. OLSEN. No.

Vice Chairman RUBIO. Mr. Monheim, let me ask you how you would handle—I think I brought this up when we spoke—an instance in which your legal analysis and conclusion as the IC IG would differ from the CIA's Inspector General or from the ODNI's legal counsel. The Committee confronted that at one point either last year or late the year before.

How would you handle those instances in which your legal analysis and conclusion are different from what the IG at the Agency or at CIA or the legal counsel at the ODNI?

Mr. MONHEIM. Thank you, Vice Chairman. I appreciate the opportunity to talk to you yesterday and I appreciate this question on this important matter. I think it raises very good questions of the respective roles and responsibilities and authorities of a variety of senior leaders in the Agency and the Community. I think that the overall shared objective of all of those positions is to ensure that Congress is fully and currently informed, and I'm confident that you would get the information that you needed to do your job.

I think part of the independence that is built into the Inspector General system is that I have my own counsel to the Inspector General that does not go through the Office of General Counsel. So, in terms of being provided legal advice, I have my own counsel to have that independent legal advice.

I will say in my time as Acting IG, I worked very closely and collaboratively with the ODNI Office of General Counsel and never had an issue where we disagreed such that it mattered in terms of the DNI's performance of their duties or Congress. But if that did arise, and if confirmed, in the future if that arose, I would work closely and collaboratively to try to address those issues. But at the end of the day, I think I have an independent duty to ensure Congress is fully and currently informed, and I would commit to do that.

Vice Chairman RUBIO. Dr. Dixon, finally. With the exception—putting aside the FBI for a moment and its law enforcement role and its domestic obligations—and this is not a trick question. It's more of something that's really important and it's important for

people as part of the whole confidence building in our Intelligence Community. But would you agree that there has to be a foreign threat nexus for our intelligence agencies to collect and analyze on the activities of a U.S. person, separate from a law enforcement function, which is looking at crimes that someone may or may not be committing. But when it comes to the intelligence agencies of the U.S. Government, or even the intelligence roles of individual agencies, for us to unleash the power of the Intelligence Community to be used to collect and analyze on what an American is doing—a U.S. citizen, U.S. person is doing, do you agree that there has to be a foreign threat nexus?

Dr. DIXON. Vice Chairman Rubio, yes. I do agree that there has to be a foreign nexus.

Vice Chairman RUBIO. OK, thank you. Senator Feinstein.

Senator FEINSTEIN. Thanks very much, Mr. Chairman.

This Committee has been working to push the IC to get to the bottom of the traumatic brain injuries known as Havana Syndrome, which apparently have been sustained by some State Department and Intelligence Community personnel around the world. And I'm concerned that these attacks appear to be increasing.

Just this morning, NBC reported, and I quote, that as many as 200 Americans have come forward to describe possible symptoms of directed-energy attacks. Additionally, "The New Yorker" also reported last week that roughly two dozen possible new cases have been reported in Vienna. So, my question—and perhaps I could start with Dr. Dixon—is what would you plan to do about this, and what have you found thus far?

Dr. DIXON. Senator Feinstein, thank you for that question and I really appreciate this Committee's leadership on this issue. The impact to the employees in the Intelligence Community makes this the number one priority for the agencies. What we are doing now is literally coming together, both the State Department, the Department of Defense and the Intelligence Community to one, make sure that we are taking care of individuals who are afflicted by whatever it is that's causing this. Second, that we're also looking to figure out where it's happening, why it's happening, and who is responsible for it so that we can bring to bear all of the capabilities of the Intelligence Community to collect on it so that we can actually better answer the question. Because right now, directed-energy is a theory. We do not know what's causing this.

Senator FEINSTEIN. Well, let me ask one quick follow-up. Are the people that have come to you from one area or are they from a mix of areas, and if so, what are the areas?

Dr. DIXON. Ma'am, I can't say the areas beyond what's already been reported. So right now, you know Cuba of course, as well as Vienna that you mentioned in the news report.

Senator FEINSTEIN. How many people have come to you or have come to the Agency?

Dr. DIXON. I can only speak on behalf of NGA, and we're actually still holding that. That is sensitive information with respect to my own workforce.

I cannot speak to how many have come forward for the entire Community.

Senator FEINSTEIN. You are saying that that information is classified?

Dr. DIXON. I'm saying at this point in time, because we are still going through the process of identifying whether individuals actually have been debriefed and we've gotten the information from them, it's not complete.

Senator FEINSTEIN. Let me ask another question. Is what is being reported in the press correct and sustained by what you're finding?

Dr. DIXON. I can't speak specifically about the numbers that the press was reporting, but the symptoms that the press is reporting are correct. The locations that they've released, those two locations they've mentioned, are correct as well.

Senator FEINSTEIN. Can you tell us how many cases?

Dr. DIXON. Ma'am, I cannot at this point in time, but if I'm confirmed, and I have access to all of the information across the Community, I certainly would have a better understanding and be able to bring that back to the Committee.

Senator FEINSTEIN. Thank you.

Mr. Chairman, this is the second time I've mentioned it and it really bothers me that something like this is going on. I would just like to ask that the Committee get involved and seek some information. I understand it will be classified, but I think it's very important and I think we should know if something serious is going on.

Vice Chairman RUBIO. I agree. I'm going to scream at Mark Warner about it tonight. I agree 100 percent, you know. That's an issue that I think everyone on this Committee has expressed a deep interest in this.

Senator Burr.

Senator BURR. Thank you, Mr. Chairman. Sue Gordon. Good to see you.

Welcome to our three nominees. I'm not sure I can remember a panel of nominees more qualified for the jobs that they've been nominated for than what I see before us today. And I echo the Chairman's comments. I hope we will expeditiously go through the confirmation process.

Having said that, I've got a question for each one of you.

Stacey, my question for you is how do you plan to assess whether or not the ODNI itself has in fact gotten too large to function effectively current company excepted?

Tom, how do you plan to recruit and retain the best talent you can to ensure your Office can fulfill its vital mission to keep the IC free from waste, fraud, and abuse, given that you're not going to be the most popular guy in the organization?

And Matt, do you have a plan to work with Director Wray to address the compliance issues FBI has had with their vital authorities?

I'll start with Stacey.

Dr. DIXON. Senator Burr, thank you very much. I enjoyed our conversation on this very topic. I am a firm believer that the ODNI plays a huge role in helping to bring the Community together; that it also has a number of duties that have been assigned to it

through legislation. I don't currently believe that that I have information to suggest that it is too large.

I believe that we will take a look at it, and if I'm confirmed, I would certainly be interested in looking from the inside—and I know that Director Haines has been looking at the organization—but to make sure that we are resourced to actually do all the things Congress is expecting us to do. It's something that we have to continue to look at because the situations change, the threats change, and the organization has to change. And I look forward to being part of the review of what size it needs to be to be able to accomplish those things that you're expecting us to be able to accomplish.

Senator BURR. Thank you.

Tom?

Mr. MONHEIM. Thank you, Senator, and I appreciate the time we had in your office to discuss a variety of matters, including the importance of getting talent in an office to help ensure we can perform our vital functions.

To the point about popularity, I certainly understand that popularity is not a good metric for success for an Inspector General. I would also note that was also true during my time as a lawyer and as a leader generally. Fortunately, I think that the Intelligence Community broadly, and the Inspector General community, currently has and will continue to attract people who are drawn to the mission. The mission matters. It's a great team of people. We have the opportunity to strengthen the Intelligence Community, and in turn, strengthen the Nation. And so, for our part, you know, we go and recruit. We have people who model the type of service that one could be drawn to, and for the variety of certain matter expertise and a variety of experiences to come.

And although we've had some staffing challenges at points, as I mentioned, I believe IC IG is on a positive trajectory and especially post pandemic. I think we will continue to be able to aggressively address some of those staffing challenges and continue to retain and develop and recruit a premier workforce to ensure our job gets done.

Senator BURR. Thank you.

Matt?

Mr. OLSEN. Senator, thanks for that question.

Restoring and maintaining trust in the FISA process is an absolutely critical priority for me. And I know it is for the Department of Justice, the National Security Division, the Attorney General, and the Deputy Attorney General, as well as the leadership of the FBI.

I was very concerned by the information in the Inspector General's report on the FISA process, identifying a number of critical errors. I was at the National Security Division at its founding in 2006 and the oversight of the FISA process was one of the reasons the National Security Division was formed. And I know that there are a number of committed, dedicated lawyers at the Justice Department, as well as at the FBI, who've already started to work to implement the changes that flow from the IG's report.

So, my plan in response to your question would be to meet with Director Wray, with the general counsel of the FBI, my colleagues at the Justice Department, if I'm confirmed, and to ensure that we

continue on the path to maintaining and restoring the confidence that's necessary in the integrity of that process.

Senator BURR. Thank you, Matt.

Based on my back-of-the-envelope calculation, I think between the three of you collectively there's been service in 90 percent of the IC just from the three of you and that's great to have that experience and knowledge concentrated here.

Stacey, you've attended more universities in America than most people. Let me assure you, not having Duke on your list is not a disqualifier, but we would like to see a North Carolina school in there at some point. But I think on your bucket list, since you didn't have one, I'll add that just one degree from a school in North Carolina would be perfect. Thank you.

Thank you, Mr. Chairman.

Vice Chairman RUBIO. Senator Heinrich.

Senator HEINRICH. Moving on from our IC continuing education requirements. Dr. Dixon, you spent the last eight years at NGA, culminating in your service as Deputy Director. What did you learn from your time at NGA that you intend to take with you to ODNI?

Dr. DIXON. Thank you for that question, Senator.

I learned about the importance of not only having great people with the talents that are needed to move us forward, but really providing that supportive environment and being leaders that they can trust and look up to. It's really important for them to understand their mission and to have the resources necessary to get that mission done.

It's also important for them to reach across, outside of their agency, and work with the other agencies and other elements of the Intelligence Community. And all of that, I would bring if I'm confirmed to this next position. I think the strength really is in having each of us come forward with those particular authorities and expertise to try to solve those really hard problems that we've attempted to solve on our own, but we really are unable to do so.

So, I look forward to strengthening the support of all the people across the entire Intelligence Community and making sure that we're working together to solve those really hard problems.

Senator HEINRICH. Dr. Dixon, you wrote that the IC needs to be more flexible and agile to ensure state-of-the-art breakthroughs are actually fielded expeditiously, and that that may require different approaches, especially to acquisition and contracting.

Talk to me a little bit about what specifically you may have in mind, and then try to touch on the balance between buying things and building things that exist within the IC.

Dr. DIXON. Certainly, Sir, two things. One is the ability to move things from say, research and development or from acquisition straight into operations. That has been something that's challenged many in the Community. Having worked in R&D, I see it acutely. There are things that we know are ready to go out there, but there's extra testing and then there's the budget cycle, which isn't always aligned. So, making sure that we can align the budgets so that we can actually have less time between something being proven and something actually being put in operations.

With respect to building and buying—it really is. So, things are built within the Intelligence Community, within the agencies, but

those also do rely on having great contractors on staff that are helping us do that.

I think increasingly because there are so many great small, and even large companies, out there willing to provide capabilities to help us solve our mission, to satisfy our mission, we need to be able to bring them in more quickly. Some of them are not as used to working with large government agencies and there's a way to work with government agencies. So, figuring out how to reduce some of the bureaucracy so some of the smaller companies who are on that sort of faster cycle who, really, if they don't get that contract, they're probably going to go away in a year. Figuring out how to decrease the timeline so that we can work with them more successfully.

Senator HEINRICH. Do you see cultural challenges to moving some of those things from R&D—that things become fieldable—but then you have to explain to people that they are ready for prime time and getting through that time cycle as well and get it out to the people who need it the most.

Dr. DIXON. What I've seen work really well is being able to bring the partners, the future partners, in from the beginning—letting them know what you're trying to develop and deliver and having them see along the way as you press past those hurdles, as you pass those tests. That way, they also know when you're attempting to have it complete, and hopefully they can then budget that in. So, there are ways to do it better than I think we've done it historically. But those partnerships between the end user and the developers need to be really, really strong from the beginning of a project.

Senator HEINRICH. Kind of building in the buy-in from the start.

Dr. DIXON. Exactly.

Mr. Monheim, you became Acting IC IG in April 2020, and you became acting under relatively difficult circumstances after your predecessor, Michael Atkinson, was unceremoniously fired for doing his job to protect a key whistleblower and to get information to Congress.

What's your general view of the IC IG's role with regard to whistleblowers? And are there any steps that you would take should you be confirmed to ensure that IC employees are protected from reprisal for disclosing information to the IC IG?

Mr. MONHEIM. Thank you, Senator. With respect to the removal of my predecessor, I was not involved in that other than to simply answer the call to serve my country as I've done many times before.

With respect to whistleblower programs, I completely agree with and appreciate the support of this Committee about the importance of the whistleblower program that goes back, of course, to the Continental Congress passing a law that it's the duty of all people in public service to report allegations of wrongdoing.

For my part, during the time I was the Acting Inspector General, during that year I issued a message of support to reiterate my commitment to protecting whistleblowers and their rights and the importance of that program. I asked Director of National Intelligence Haines when she was confirmed to issue a similar report and she did very soon in her tenure. I issued an instruction about external

review panels to update and codify the processes by which IGs would review allegations of reprisal against whistleblowers. We submitted a report to this Committee to talk about possible efforts and made six recommendations to harmonize some of the laws and policies to further strengthen the program. I appreciate this Committee's staff working with the IC IG team to consider specific proposals. And I established an intake action committee to ensure that our hotline program analysts are working closely with our counsel and our investigators to give each matter the serious attention it deserves. I dedicated additional resources to the program and, if confirmed, I would do everything that I can do to continue the positive trajectory that I believe that important program is on.

Senator HEINRICH. Thank you, Chairman.

Vice Chairman RUBIO. Senator Blunt.

Senator BLUNT. Thank you, Chairman, and again let me join everybody else in welcoming this panel. You are so well-prepared. I look forward to not just what happens after today, but the relationship we have working with you after today.

Dr. Dixon, one of the challenges the Intelligence Community faces is making all the investments we have out there work: artificial intelligence, machine learning, quantum computing, cyber. If confirmed, what's your vision of how we maximize the moment we're in and make those things work together in the most effective way?

Dr. DIXON. Thank you, Senator Blunt. And you've named many, many of the challenges that we are all in the Community facing and focusing on. I think one of the things that I've seen work well within the Community is when we talk about and we expose to each other's agencies, the types of things we're working on. We can come up with a shared plan for how to go forward together. That is more efficient and more effective, I think, than each individual agency going forward by itself. So, I look forward to harnessing the same experiences that I've had when I was in research and development organizations and we were trying to do that but doing that on a global scale. So, it's both R&D as well as operational systems.

We need better insight into how each other is approaching the hard challenges that, I think, we will need to come together to face. And I look forward to, if I'm confirmed, helping the Community come together when those discussions.

Senator BLUNT. Well, I think we're not going to have less information to deal with all the time. We're going to have more information to deal with and how we get that narrowed down to where a set of human eyes ought to get on it is going to be really important, and I think you're well prepared for that.

Mr. Olsen, you've had great private sector experience, great experience in counterterrorism as well. From your counterterrorism experience, can you comment on the value of things like FISA and the danger of what happens if we don't treat the FISA process in the right way?

Mr. OLSEN. Yes, Senator.

FISA, along with other intelligence tools, but in particular FISA, has proven to be an indispensable tool for the collection of foreign intelligence in the counterterrorism context. Going back to my experience at the FBI and then at the Department of Justice over 10

years ago, FISA led to a number of operational successes for the government. And it is imperative that we maintain that tool. The Inspector General's report recently that disclosed a number of failings on the part of the Justice Department, including the FBI, in preserving the integrity of that process to ensure that the applications were complete and accurate is a significant concern.

One, it wasn't consistent with the expectations of the FISA court, wasn't consistent with the expectations of this Committee and Congress, and it certainly wasn't consistent with the expectations and trust that the American people have placed in the FBI and the Justice Department. So, it would be a priority for me, if confirmed, to work with the FBI and to ensure that the steps that I understand are currently underway to improve that process are carried through. And to see if there are other steps that we need to take in working with this Committee to ensure that that process is one that the American people can have full confidence in.

Senator BLUNT. Well, I think if we see any inconsistency there, as you pointed out, that puts the whole program at great risk and it's the kind of thing if we do it right, has great value. And if we do it wrong, we could easily, easily lose it.

Mr. Monheim, we had a chance yesterday to talk a little bit about whistleblowers and the role they play in the government. Give me an idea of how the IG best relates to whistleblowers and what the proper role for the IG is in insisting that the right processes be followed there.

Mr. MONHEIM. Thank you, Senator and I appreciated the time you took yesterday to discuss this and other matters with me.

With respect to the Inspector General's role in the current legal framework that Congress provided is that an Intelligence Community employee can come to the Inspector General to provide evidence of wrongdoing and other concerns. And there's a structure in place by which we determine a number of things. Is it credible? Is it urgent? Does the whistleblower intend to communicate this information to Congress? And such things. And then we have specific responsibilities to forward that information to the Director of National Intelligence, and to the Congress in certain circumstances. And we take that program very seriously. We dedicate a number of resources to it. And as I indicated in a prior answer, I remain committed to that program.

With respect to the roles and responsibilities of others involved, the Office of General Counsel at ODNI has a role, the Director of National Intelligence has a role. But again, for the Inspector General's part, we are committed to do that again, not just for what is legally required, but as was the case when I was the Acting Inspector General, I exercised my discretion to forward some complaints even if I did not find them credible and to state an urgent concern as legally required, simply because I thought it would be important for this Committee to have the benefit of information and to do your important job

Senator BLUNT. Thank you. Thank you, Mr. Chairman.

Vice Chairman RUBIO. Senator Wyden.

Senator WYDEN. Thank you, Chairman Rubio. And first of all, it's great to see Ms. Sue Gordon. Sue Gordon always gives public service a good name and it is just very good to see you, Ms. Gordon.

My first question for our nominees is: last year the Committee directed the IC to report on what can be done to protect our country from commercial spyware, the kind of threat that is now being reported at the top of the news across the Nation.

So, my question to you, Ms. Dixon and Mr. Olsen, is how seriously do you take this threat and what should the Intelligence Community and the Department of Justice be doing about it?

Let me start with you, Mr. Olsen, and then you, Ms. Dixon.

Mr. OLSEN. Senator, I believe I share your concern from the headlines of the past couple of days on this issue. One initial thought is to emphasize the point that when it comes to the United States and its collection activities, the Intelligence Community must adhere to the Constitution, the laws, the regulations, the court orders that apply to those activities regardless of the tools that may be available.

So that is an imperative that would be partly my responsibility to enforce, if I'm confirmed as the head of the National Security Division. I think the threat that you mentioned from these tools goes outside of this country to where the concern is that other countries can use these tools in a way that would have human rights concerns or violations. And that's an area where I think we have work to do, myself at the Justice Department along with the Intelligence Community and this Committee.

Senator WYDEN. Ms. Dixon.

Dr. DIXON. Thank you, Senator Wyden, and I also share your concern.

I think, in addition to what Mr. Olsen said, I think it's a good reminder of the larger cybersecurity challenge that we face, right? Spyware, malware. These are all things that can infiltrate not only our cell phones, but computer networks more broadly. We need to have a better whole of government approach to dealing with things like this. I think the challenge that we face, of course, is that we've got industry, we have government, we have academia, we have all sorts of different rules and regulations that are keeping us from having the conversations that—well not necessarily rules and regulations. We're not having all the conversations that we need to be having. I would like to see us be more forthcoming in terms of who is experiencing attacks from other places and how we can better provide and secure their networks as well as the cell phones that we have.

Senator WYDEN. We're going to have more conversations about it, but I'll just let you all know that I think there's got to be some accountability for spies for hire and that is going to be a central part of this discussion.

Let me go now to the whistleblower issue. I want to make sure that our nominees agree that the law is clear: that a whistleblower complaint that an Inspector General determines is an urgent concern has to be submitted to the Congress.

And this is a yes or no for our three nominees.

Mr. Olsen?

Mr. OLSEN. Yes.

Senator WYDEN. Ms. Dixon?

Dr. DIXON. Yes.

Senator WYDEN. Mr. Monheim?

Mr. MONHEIM. Yes.

Senator WYDEN. Good. With respect to the previous Administration, we were finally able to extract from them some commitments about civil liberties and transparency. And I want to make sure that there's no backsliding.

Last November, Director Ratcliffe informed me that the IC considered Internet searches to be content, meaning that they would not collect them under the warrantless authorities of the Patriot Act.

Do you agree with that, Mr. Olsen?

Mr. OLSEN. Senator, I will repeat an answer I gave earlier, which is to say that it is imperative that all of these activities take place consistent with the Constitution and statutes. The precise letter of Director Ratcliffe, I'm not familiar with the context of that statement. Certainly, I appreciate that the collection of search terms or browser history raises serious privacy concerns. And I would certainly look to understand better how that information may be collected under various authorities, if I'm confirmed.

Senator WYDEN. I would like a written answer to that one, Mr. Olsen, because, look, through no fault of their own because of the virus, millions of Americans were home. And Senator Daines and I, on a bipartisan basis, tried to get protection for browser content. We failed just because a couple of Senators were absent.

So, I would like a written response to that question. All right, can you get that to us quickly?

Mr. OLSEN. Yes.

Senator WYDEN. Okay. The previous Administration also stated that in light of the Supreme Court's "Carpenter" case, it would not collect cell site or GPS information under Section 215 of the Patriot Act, which didn't require a warrant.

Mr. Olsen, if you're confirmed, and Section 215 were to be reauthorized, would you continue this position?

Mr. OLSEN. Senator, I am not in government now. I need to understand how "Carpenter" is being interpreted. It's certainly a significant decision on the Fourth Amendment in the context of the collection of digital information. It applies to cell site location information, the breadth of that decision, how it's being interpreted—I know that prosecutors and investigators need guidance on that question. If I'm confirmed, I'll have the opportunity to engage in understanding how it's being interpreted and to support the guidance that's given to folks in the field.

Senator WYDEN. I'm over my time and Chairman Rubio is being gracious.

One last question.

Mr. Olsen, do you agree that the public deserves to know whether and to what extent the various entities of the IC believe "Carpenter" applies to them?

Mr. OLSEN. I believe that the public deserves to know the frameworks around which or upon which we collect information on behalf of the Intelligence Community or in the law enforcement context. I think it's important that to the extent we can, we disclose the legal framework that supports the collection of this type of information.

Senator WYDEN. I think the response to that one has got to be a yes and you got pretty close. So, we will continue the discussion. Thank you, Mr. Chairman.

Vice Chairman RUBIO. Senator King.

Senator KING. Thank you, Mr. Chairman.

A general comment about the issue that Senator Wyden raised about the spyware is certainly concerning and I'm sure we're going to have discussions about that subject. On the other hand, my first thought was that we all have to be careful about what we put on these devices. One of the 10 points in my high school graduation speech is: Don't write anything into cyberspace you don't want your grandmother to read on the front page of the "Bangor Daily News." And I think we all need to think about that, that there's no such thing as perfect security. That doesn't mean we don't have to deal with this issue that's arisen. But cyber protection starts at the device level.

Dr. Dixon, I just want to underline a point that the Chairman started with.

This security clearance problem is a serious problem. It's a national security issue because in my view the biggest problem is lost opportunity. People we lose because they can't wait. So, I hope you will continue to follow the good example of Sue Gordon and others who have made such progress on this and not—. I'm afraid if it's not attended to aggressively, we will backslide and we'll end up back with 700,000 or 800,000 people in a backlog.

So, I hope you will commit to continuing that project.

Dr. DIXON. I will, Sir.

Senator KING. Thank you.

One of the unusual things about the history that we're in right now is that we have to reimagine conflict. We've all thought of conflict over a thousand years as armies against armies, navies against navies. But now with the advent of cyber warfare, the private sector is the front line. They're the target and so I believe one of your missions has to be—and this also goes for the national cyber director, for you, for Avril Haines, for others to form new kinds of relationships with the private sector. We can't have this arm's length. We don't—you know, we don't trust the government. We're not going to share information and successfully meet the cyber challenge.

Do you agree with that proposition?

Dr. DIXON. I absolutely agree with the proposition. Without having that trust between the two of us, we're not going to be able to deal with the threats that we're facing effectively. I look forward to forging those partnerships if I'm confirmed.

Senator KING. Thank you. And one other thing and I'm loading tasks on you. But from the point of view of the Director of National Intelligence, it's got to be concerning to us as representatives of the taxpayers and the public that we have 17 agencies. And the specter of duplication and excessive cost is always there.

So, it seems to me that one of the roles of the DNI should be to constantly be on the alert to how do we do these things more efficiently. And we just can't have duplicated cyber agencies, for example, within each. I mean they have to be cyber protection within

each agency, but there's also a role to be had for some kind of central, efficient administration.

Dr. DIXON. Sir, I would agree with you completely. I think that avoiding duplication is number one, but finding efficiencies and sharing the way that we're approaching things and just coming up with better solutions by working together is the priority that I will put in place if I'm confirmed.

Senator KING. Thank you and you're going to work with and for an outstanding leader. I think the team that the President has put in place at the Office of the Director of National Intelligence is outstanding.

Mr. Monheim, you and I have talked about the role of IG as an incredibly important role, a very unusual role when we essentially hire people within the government to report on the malfeasance of the government. As you point out, it goes back to 1778, prior to the actual adoption of the Constitution with the Colonial Congress, Continental Congress, but particularly important in the Intelligence Community because it's a secret agency. So, I understand your commitment and I hope—. I guess my question is would you be willing to be fired if the executive didn't like the fact that you released what you thought was a valid and urgent whistleblower's report?

Mr. MONHEIM. Thank you, Senator. I've repeatedly risked my life for this country and I am certainly willing to be risking my job for it.

Senator KING. There could not possibly be better answer. Thank you.

I said that once about one of my state troopers. I said, I trust my life to this guy and then I said, as a matter of fact, I did.

Mr. Olsen, one of the issues that I think has been brought to the fore by the SolarWinds attack is the fact that our very powerful intelligence agencies like the NSA and the CIA stop at the water's edge. They're not allowed to work within the United States. So, the SolarWinds hacker, they're based in Russia. They go through a server in New Jersey and all of a sudden, we have a gap in our coverage, if you will. I don't expect you to provide an answer to this, but do you believe that this is something that needs to be addressed? Bearing in mind that we don't really want to be spying on Americans, but we've also got to protect Americans. That's the tension inherent in the system.

Mr. OLSEN. Yes, Senator. And I agree that your question really goes to the heart of one of the great challenges that we face when it comes to defending the country against cyberattacks. I would commend you and your colleagues for the work on the Solarium Commission report on cyber security. I think the recommendations in that report are excellent.

And I do think you have individuals who are in office now, a really strong team who understands the challenge that your question raises. We have a great deal of authority and information through the work of the Intelligence Community on threats we face in cyber. But the private sector inside the United States is the primary victim of these attacks. And we need to bridge that divide between what the government knows and what the private sector faces when it comes to cyberattacks. I think the Justice Depart-

ment and the National Security Division, particularly over the past few years, has really upped its game in supporting the work of the Intelligence Community and working with industry to help to bridge that divide. But there's certainly more work to do.

Senator KING. Thank you very much. Thanks to all of you for your willingness to serve in these important positions.

Thank you, Mr. Chairman.

Vice Chairman RUBIO. Senator Bennet.

Senator BENNET. Thank you, Mr. Chairman. And I'll echo my colleague from Maine's observation about how grateful all of us are for your willingness to serve in these positions. I only have one question today.

And Dr. Dixon, it won't surprise you to know that it's about space. Maintaining our superiority in space and protecting space as a peaceful and secure domain is critical to our competition with China. In its annual threat assessment from earlier this year, the Intelligence Community wrote, quote, Beijing is working to match or exceed U.S. capabilities in space to gain the military, economic, and prestige benefits that Washington has accrued from space leadership.

The Intelligence Committee also wrote that, quote, China has counter-space weapons capabilities intended to target U.S. and allied satellites. With respect to Russia, the U.S. Space Command said in December that it concluded that Russia conducted a test of a direct ascent anti-satellite missile which if tested on an actual satellite or used operationally could cause a large debris field that could endanger commercial satellites and pollute the space domain.

You spent time at NGA, which is responsible for developing the requirements for geospatial intelligence space capabilities, including commercial imagery. Do you believe our processes for acquisition are keeping pace with the threat and with innovation and the innovation that's occurring in the private sector?

How can we improve the requirements process for things like commercial imagery so we're effectively capturing advancements in innovation?

Dr. DIXON. Senator Bennett, thank you for that question.

Space has definitely been something that I've been spending much of my career on from the very beginning. A couple of things. I'll start at the end of your question with respect to working with commercial industry.

We do need to be able to move faster than we have in the past. I think working with the NGA and the NRO working together, we have a very good understanding of both the current space capabilities that are out there by U.S. companies as well as what's coming in the future. I'm looking forward to seeing the role that commercial space will continue to play as we try to satisfy our missions. But we do need to figure out how to bring to bear the new capabilities that they're developing more efficiently and more effectively than we have in the past. It's not about big, large contracts of one particular vendor. It's about really being able to take advantage of all the capabilities and the diversity there.

With respect to the other side of it, the protections in space also are extremely important and you mentioned some of the threats that we're facing now, and we do have strategic competitors that

are trying to be better than we are in space. We feel that very acutely at NGA. We need to maintain that sort of superiority, not only in the underlying understanding of the science behind getting things to move around in space, but the capabilities that are out there and what we need to keep the society going. We have so many dependencies on space that it will take all of us working together—defense, Intelligence Community, and really society writ large—to really be able to protect the capabilities and continue to leverage space in the way that it's in fact impacting our world in a very positive way.

Senator BENNET. I think the only thing I would add is I think this Committee stands ready to be helpful if we can. So, to the extent that you detect barriers or ways in which existing law is compromising our ability to come together in a unified way, intelligence and defense, I think people here are going to want to hear about that so that we can try to improve the ecosystem and keep that edge that we need to keep.

So, thank you again for your willingness to serve and everybody else. I'm very grateful.

Thank you, Mr. Chairman.

Vice Chairman RUBIO. All right, anything else? Thank you for your time, and with that, this hearing is adjourned.

[Whereupon the hearing was adjourned at 4:07 p.m.]

Supplemental Material

SELECT COMMITTEE ON
INTELLIGENCE

UNITED STATES SENATE



QUESTIONNAIRE FOR COMPLETION BY
PRESIDENTIAL NOMINEES

**SELECT COMMITTEE ON INTELLIGENCE
UNITED STATES SENATE**

**QUESTIONNAIRE FOR COMPLETION BY
PRESIDENTIAL NOMINEES**

PART A - BIOGRAPHICAL INFORMATION

1. FULL NAME: Stacey Angela Dixon
OTHER NAMES USED: N/A
2. DATE AND PLACE OF BIRTH: January 9, 1971. Washington, DC
CITIZENSHIP: U.S.
3. MARITAL STATUS: Single/Never married
4. SPOUSE'S NAME: N/A
5. SPOUSE'S MAIDEN NAME IF APPLICABLE: N/A
6. NAMES AND AGES OF CHILDREN:

<u>NAME</u>	<u>AGE</u>
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N/A

7. EDUCATION SINCE HIGH SCHOOL:

<u>INSTITUTION</u>	<u>DATES ATTENDED</u>	<u>DEGREE RECEIVED</u>	<u>DATE OF DEGREE</u>
Georgia Institute of Technology	6/1998 – 5/2000	Ph.D.	5/6/2000
Georgia Institute of Technology	9/1993 – 6/1995	M.S.	6/10/1995
Stanford University	9/1989 – 6/1993	B.S.	6/13/1993

8. EMPLOYMENT RECORD (LIST ALL POSITIONS HELD SINCE COLLEGE, INCLUDING MILITARY SERVICE. INDICATE NAME OF EMPLOYER, POSITION, TITLE OR DESCRIPTION, LOCATION, AND DATES OF EMPLOYMENT).

<u>EMPLOYER</u>	<u>POSITION/TITLE</u>	<u>LOCATION</u>	<u>DATES</u>
National Geospatial-Intelligence Agency	Deputy Director	Springfield, VA	07/2019 - Present
*Office of the Director of National Intelligence	Director, Intelligence Advanced Research Projects Activity	College Park, MD	09/2018 - 06/2019
*Office of the Director of National Intelligence	Deputy Director, Intelligence Advanced Research Projects Activity	College Park, MD	01/2016 - 08/2018
National Geospatial-Intelligence Agency	Deputy Director, Research	Springfield, VA	04/2015 - 01/2016
National Geospatial-Intelligence Agency	Office Director, Research	Springfield, VA	06/2013 - 04/2015
National Geospatial-Intelligence Agency	Chief, Congressional and Intergovernmental Affairs	Springfield, VA	11/2010 - 06/2013
U.S. House of Representatives	Budget Director, Permanent Select Committee on Intelligence	Washington, DC	10/2008 - 11/2010
U.S. House of Representatives	Professional Staff Member, Permanent Select Committee on Intelligence	Washington, DC	02/2007 - 10/2008
Central Intelligence Agency	Chief, Program Office, Science Division, National Reconnaissance Office	Chantilly, VA	05/2003 - 02/2007
Montgomery County Public Schools	Substitute teacher	Various cities in MD	08/2002 - 05/2003
University of Salamanca	Student in immersion program	Salamanca, Spain	06/2002 - 06/2002
Rotary Foundation, Minneapolis Chapter	Group Study Exchange team member	Various cities in South Africa	04/2002 - 04/2002
University of Minnesota	Post-doctoral Fellow	Minneapolis, MN	02/2000 - 03/2002
Advanced Tissue Sciences	Summer intern	La Jolla, CA	06/2005 - 08/2005
Georgia Institute of Technology	Graduate student, teaching assistant	Atlanta, GA	09/1993 - 02/2000
Center for Naval Analyses	Summer Intern	Alexandria, VA	06/1993 - 09/1993

* Note: This was a rotational assignment to the Office of the Director of National Intelligence. I was still a National Geospatial-Intelligence Agency employee.

9. GOVERNMENT EXPERIENCE (INDICATE EXPERIENCE IN OR ASSOCIATION WITH FEDERAL, STATE, OR LOCAL GOVERNMENTS, INCLUDING ADVISORY, CONSULTATIVE, HONORARY, OR OTHER PART-TIME SERVICE OR POSITION. DO NOT REPEAT INFORMATION ALREADY PROVIDED IN QUESTION 8).

I have no additional Government experience to add.

10. INDICATE ANY SPECIALIZED INTELLIGENCE OR NATIONAL SECURITY EXPERTISE YOU HAVE ACQUIRED HAVING SERVED IN THE POSITIONS DESCRIBED IN QUESTIONS 8 AND/OR 9.

For the majority of my professional career I have been an intelligence officer, learning and growing my specialized intelligence and national security expertise. Starting early in my career at the National Reconnaissance Office, I learned satellite and sensor design, orbit selection, requirements verification and validation, program management, and acquisition. On the House Permanent Select Committee on Intelligence, I learned how to assess agency programs and budgets, negotiate, and shape legislation. At the National Geospatial Agency (NGA) I expanded my knowledge to include geospatial analysis and collection management, analytic techniques and data visualization, budget development and execution. As the Director of the Intelligence Advanced Research Projects Activity at ODNI, I learned about the hardest problems faced by the agencies that could be solved with science and technology. Each position built upon the previous position and enabled me to hone my leadership and management skills, my ability to drive for results and build coalitions, and my ability to lead and manage change. Each position improved my understanding of the intelligence community and the national security apparatus it serves. The different roles also allowed me the opportunity to develop productive relationships with Department of Energy National Laboratories, Federally Funded Research and Development Centers, University Affiliated Research Centers, industry, academia, and foreign government partners. Currently, I serve as Deputy Director for NGA, an organization that is both a member of the national intelligence community and a combat support agency. I work closely with the ODNI, the Office of the Undersecretary of Defense for Intelligence and Security (OUSD (I&S)) and with all of the other deputies in the IC.

11. HONORS AND AWARDS (PROVIDE INFORMATION ON SCHOLARSHIPS, FELLOWSHIPS, HONORARY DEGREES, MILITARY DECORATIONS, CIVILIAN SERVICE CITATIONS, OR ANY OTHER SPECIAL RECOGNITION FOR OUTSTANDING PERFORMANCE OR ACHIEVEMENT).

2019 – Office of the Director of National Intelligence - Director's Distinguished Service Award
 2019 – Office of the Director of National Intelligence - Exceptional Achievement Award
 2016 – Presidential Rank Award (Meritorious Defense Intelligence Senior Level Professional)
 2016 – National Geospatial-Intelligence Agency - Superior Civilian Service Medal
 2002 - Rotary Foundation: South Africa Group Study Exchange Team Member.
 2000 – The University of Minnesota, Chemical Engineering Department, Post-doctoral Fellowship
 1998 - UNCF-Merck Science Initiative Fellowship
 1996 - American Society of Mechanical Engineers Graduate Teaching Fellowship
 1996 - Achievement Rewards for College Scientists [ARCS] Foundation Fellowship
 1996 - Medtronic Fellowship
 1993 - Georgia Institute of Technology President's Fellowship
 1993 - National Science Foundation Engineering Fellowship
 1989 - AT&T Bell Laboratories Engineering Scholarship Program

12. ORGANIZATIONAL AFFILIATIONS (LIST MEMBERSHIPS IN AND OFFICES HELD WITHIN THE LAST TEN YEARS IN ANY PROFESSIONAL, CIVIC, FRATERNAL, BUSINESS, SCHOLARLY, CULTURAL, CHARITABLE, OR OTHER SIMILAR ORGANIZATIONS).

<u>ORGANIZATION</u>	<u>OFFICE HELD</u>	<u>DATES</u>
The Federal City Alumnae Chapter, Delta Sigma Theta Sorority, Inc.	President	1 July 2017 - 30 June 2019
The Federal City Alumnae Chapter, Delta Sigma Theta Sorority, Inc.	Finance Committee Chair	1 July 2015 - 30 June 2017
The Federal City Alumnae Chapter, Delta Sigma Theta Sorority, Inc.	Treasurer	1 July 2008 - 30 June 2013
Providence Square Homeowner's Association	President, Secretary, and Treasurer	2012-2019 (various)
St. Augustine (DC) Toastmasters Club, Toastmasters International	Vice President Education	1 July 2020 - present
St. Augustine (DC) Toastmasters Club, Toastmasters International	President	1 July 2019 - 30 June 2020
St. Augustine (DC) Toastmasters Club, Toastmasters International	Treasurer	1 July 2018 - 30 June 2019

Upon reviewing my records, and to the best of my recollection, below are the organizations in which I was a paid member, but held no office, in the last ten years:

American Association for the Advancement of Science (AAAS)
 American Society of Mechanical Engineers
 Georgia Tech Alumni Association
 Smithsonian National Museum of African American History and Culture
 Stanford Alumni Association
 WAMU (public radio, Washington DC)
 WETA (public television, Washington DC)

13. PUBLISHED WRITINGS AND SPEECHES (LIST THE TITLES, PUBLISHERS, BLOGS AND PUBLICATION DATES OF ANY BOOKS, ARTICLES, REPORTS, OR OTHER PUBLISHED MATERIALS YOU HAVE AUTHORED. ALSO LIST ANY PUBLIC SPEECHES OR REMARKS YOU HAVE MADE WITHIN THE LAST TEN YEARS FOR WHICH THERE IS A TEXT, TRANSCRIPT, OR VIDEO). IF ASKED, WILL YOU PROVIDE A COPY OF EACH REQUESTED PUBLICATION, TEXT, TRANSCRIPT, OR VIDEO?

As a senior government official I speak at a lot of events while representing my agency. For keynote presentations, I typically have a written speech or outline. For panels and fireside chats, I usually have talking points, though questions often require me to speak impromptu. Upon reviewing my records, and to the best of my recollection, below are the public speeches or remarks I have made within the last ten years for which there is a text, transcript, or video. I have also included the two journal articles I published and my Ph.D. thesis, all of which are unrelated to intelligence or national security.

PODCASTS (REVERSE CHRONOLOGICAL ORDER)

3/5/21 Iron Butterfly Podcast, Amazing Women of the Intelligence Community
 2/19/19 Government CIO Media Podcast
 8/15/18 Intelligence Matters podcast, CBS News
 12/13/16 SpyCast podcast, International Spy Museum
 3/30/16 Women of Washington podcast, Federal News Radio

RECORDED SPEAKING ENGAGEMENTS (REVERSE CHRONOLOGICAL ORDER)

Event Date	Event Title	Host/Sponsor
5/7/21	Georgia Tech Class of 2021 Master's Commencement Ceremony	Georgia Tech
4/26/21	Georgetown Undergraduate Seminar: Speaking Engagement	Georgetown University
4/21/21	Using Artificial Intelligence to Create a More Knowledgeable IC	The Cipher Brief
3/30/21	Conversation About Women Leaders in Cyber and STEM	STEM4US!
3/17/21	Global Special Operations Forces Symposium - Keynote	Special Operations Forces Foundation
2/22/21	DGI2021 -- Turning Obstacles into Opportunities: Transforming NGA	DGI
2/17/21	INSA 2021 Achievement Awards - Keynote	Intelligence and National Security Alliance (INSA)
2/13/21	Civil Air Patrol (California Wing) Virtual Cadet Conference - Keynote	Civil Air Patrol
2/5/21	Missouri Dept of Elementary & Secondary Education (MODESE) Conference - Keynote	Missouri Dept of Elementary & Secondary Education
1/27/21	Defense One's State of Space Series: Emerging Technologies' Potential for Change Panel	Defense One
12/21/20	GEONT Community Forum: The Convergence of Commercial Content with AI/ML to Provide Clarity	U.S. Geospatial Intelligence Foundation (USGIF)
12/3/20	Conversation with National Security Girl Squad Founder and CEO Maggie Feldman-Piltch	National Security Girl Squad
12/3/20	NGA Deputy Discusses Tech in the Government at 2020 Aspen Cyber Summit	Aspen Institute
11/18/20	Harvard Speaker Series Hosted by Belfer Center for Science and International Affairs	Harvard University
10/15/20	Billington CyberSecurity Summit- Fireside Chat	Billington Cyber
10/15/20	2020 AFCEA International - Diversity in the IC: Does Reality Match Aspiration	AFCEA
10/14/20	Planet Explore User Conference Fireside Chat	Planet Explore
10/9/20	Sisterhood of Spies - Panel	The Cipher Brief Academic Incubator
7/10/20	Sisterhood of Spies - Panel	Intelligence and National Security Alliance (INSA)
6/11/20	CBS Morning News reporting on Commercial Imagery – interview	CBS Morning News
9/5/19	Intelligence and National Security Forum: Space	Intelligence and National Security Forum
8/8/19	Horizons Scholarship Celebration Luncheon	Women in Defense
6/2/19	Human-Machine teaming and Innovation Yield Mission Success	U.S. Geospatial Intelligence Foundation (USGIF)
5/30/19	Intelligence Analytics 2019: Transforming Raw Data Into Intelligence to Secure the Nation	Institute for Defense and Government Advancement
4/16/19	Advanced Cyber Research & Development Symposium	Intelligence and National Security Alliance (INSA)
4/9/19	Geo-Resolution 2019: The 21st Century Geospatial Ecosystem Panelist	NGA and Saint Louis University
3/22/19	Government Matters (WJLA-TV) Interview	Government Matters
11/13/18	Aspen Institute Emerging Threats Seminar	Aspen Institute
10/23/18	13th Annual Homeland Security Week Conference	Institute for Defense and Government Advancement
10/15/18	Bloomberg Event - Onstage one-on-one Interview	Bloomberg
9/18/18	"The Human Machine Team-Better Together" Panel	INSA and Defense One
9/4/18	2018 INSA/AFCEA Summit - Panel	INSA/AFCEA

8/15/18	2018 Data as a Weapons System: Revolutionizing Intelligence	National Conference Services, Inc. (NCSI)
7/19/18	The Aspen Security Forum - Panel	The Aspen Institute
6/18/18	CBS News Interview - IARPA, Career Trajectory and Potential other news topics	CBS News
5/11/18	Howard University Graduation 2018 School of Engineering	Howard University
5/3/18	2nd Workshop for Women in Hardware and Systems Security (WISE) - Keynote	IEEE International Symposium on Hardware Oriented Security and Trust (HOST)
4/10/18	Innovating, Integrating, Evolving: The Changing Face of Acquisition - Panel	Intelligence and National Security Alliance (INSA)
4/9/18	The Cipher Brief Threat Conference - Keynote	The Cipher Brief
2/16/18	Cyber Engineering: Performance vs. Security of evolving technology - Panel	Federal News Radio
2/10/18	Introduction to the Big Data Landscape: Creating Real World Solutions - Panel	Black Engineer of the Year Awards (BEYA)
2/7/18	Women in Washington: Engineering and Technology - Panel	BAH/Federal News Radio
9/14/17	Kalaris Intelligence Conference - Panel	Georgetown University & NGA
9/6/17	Defense News Conference - Panel	Defense News
12/7/16	Future Today Summit - Panel	Future Today
11/17/16	ISR & C2 Battle Management USA Summit - Keynote	ISR
10/25/16	Florida Center for Cybersecurity Third Annual Conference - Keynote	Cyber Security at U of S Florida
10/4/16	What's Next: Emerging Technologies - Panel	Fedstival
9/7/16	Enduring and Future Issues Track Breakthrough Technologies: Changing the Art of the Possible - Panel	AFCEA/INSA
8/23/16	IC Forum at BIG National Conference - Panel	Blacks in Government
5/15/16	GEONT Symposium / GEONT Forward Pre-conference - Keynote	U.S. Geospatial Intelligence Foundation (USGIF)

RESEARCH JOURNAL PUBLICATIONS

Dixon, S. A., Heikes, R. G. and Vito, R. P., "Constitutive modeling of porcine coronary arteries using designed experiments" *Journal of Biomechanical Engineering*, 2003. 125(2): 274-279.

Vito, R. P. and Dixon, S. A., "Nonlinear mechanical properties of blood vessels" *Annual review of Biomedical Engineering*, 2003. 5:413-39.

Dissertation Topic: Biomechanical analysis of coronary arteries using a complementary energy model and designed experiments. Stacey A. Dixon. 2000.

If asked, I will provide a copy of each requested publication, text, transcript, or video to the extent one is available.

PART B - QUALIFICATIONS

14. QUALIFICATIONS (DESCRIBE WHY YOU BELIEVE YOU ARE QUALIFIED TO SERVE AS THE PRINCIPAL DEPUTY DIRECTOR OF NATIONAL INTELLIGENCE).

I have served the U.S. Government and Intelligence Community (IC) in a variety of roles over the last 18 years. I began my government service as an engineer and acquisition professional as part of a National Reconnaissance Office program office that built satellites. Leveraging my technical knowledge and budget and organization experience, I later sought a staff role in oversight. I served the Legislative Branch as a professional staff member and budget director for the U.S. House of Representatives Permanent Select Committee on Intelligence. Upon rejoining the Executive Branch, I ran the National Geospatial-Intelligence Agency's congressional and intergovernmental affairs organization, interacting with members of congress and their staffs to enable congressional oversight over NGA's budget and highlight NGA's mission and accomplishments. After my time in congressional affairs, I led an office in NGA's Research organization and then served as the deputy director of NGA's Research organization; this office delivers both quick reaction and future GEOINT capabilities that assist NGA and its partners in accomplishing mission priorities and protecting national security. As Intelligence Advanced Research Projects Activity (IARPA) deputy director and subsequent director, I funded researchers to solve enduring hard technical problems facing the IC and national security community. This important integration role at ODNI gave me access to Research and Development organizations across the IC and their research portfolios. As deputy director of NGA I have the pleasure of working with all of the IC Element deputy directors and OUSD (I&S). Together we are driving community solutions to the IC's most pressing challenges, like the pivot to great power competition. I have experienced first-hand some of the challenges the IC faces. I hope to leverage my experiences to reduce the challenges, encourage more collaboration, recruit diverse talent, and advance the IC's capabilities for the future.

PART C - POLITICAL AND FOREIGN AFFILIATIONS

15. POLITICAL ACTIVITIES (LIST ANY MEMBERSHIPS OR OFFICES HELD IN OR FINANCIAL CONTRIBUTIONS OR SERVICES RENDERED TO, ANY POLITICAL PARTY, ELECTION COMMITTEE, POLITICAL ACTION COMMITTEE, OR INDIVIDUAL CANDIDATE DURING THE LAST TEN YEARS).

I have never worked on any political campaign.

<u>Candidate or organization</u>	<u>Amount</u>	<u>Date</u>
DNC FINANCE	\$100	12/11/2017
Kenyan R. McDuffie for Ward 5 (DC)	\$150	12/6/2017
DEMOCRATS.ORG, DC	\$10	9/17/2017
DEMOCRATS.ORG, DC	\$10	1/19/2017
DEMOCRATS.ORG SUPPORT, DC	\$10	1/7/2017
DNC ONLINE DEMOCRATS.ORG	\$10	6/27/2015
DNC ONLINE DEMOCRATS.ORG	\$50	10/29/2014
DNC ONLINE DEMOCRATS.ORG	\$3	10/8/2014
Muriel (Bowser) for Mayor (DC)	\$500	9/24/2014
Obama for America	\$175	5/29/2012
Obama for America	\$225	4/13/2012
Obama for America	\$225	2/25/2012
Obama for America	\$225	11/23/2011
Obama for America	\$200	2/27/2008

16. CANDIDACY FOR PUBLIC OFFICE (FURNISH DETAILS OF ANY CANDIDACY FOR ELECTIVE PUBLIC OFFICE).

I have never run for elective public office.

17. FOREIGN AFFILIATIONS

(NOTE: QUESTIONS 17A AND B ARE NOT LIMITED TO RELATIONSHIPS REQUIRING REGISTRATION UNDER THE FOREIGN AGENTS REGISTRATION ACT. QUESTIONS 17A, B, AND C DO NOT CALL FOR A POSITIVE RESPONSE IF THE REPRESENTATION OR TRANSACTION WAS AUTHORIZED BY THE UNITED STATES GOVERNMENT IN CONNECTION WITH YOUR OR YOUR SPOUSE'S EMPLOYMENT IN GOVERNMENT SERVICE.)

- A. HAVE YOU OR YOUR SPOUSE EVER REPRESENTED IN ANY CAPACITY (E.G. EMPLOYEE, ATTORNEY, OR POLITICAL/BUSINESS CONSULTANT), WITH OR WITHOUT COMPENSATION, A FOREIGN GOVERNMENT OR AN ENTITY CONTROLLED BY A FOREIGN GOVERNMENT? IF SO, PLEASE FULLY DESCRIBE SUCH RELATIONSHIP.

No.

- B. HAVE ANY OF YOUR OR YOUR SPOUSE'S ASSOCIATES REPRESENTED, IN ANY CAPACITY, WITH OR WITHOUT COMPENSATION, A FOREIGN GOVERNMENT OR AN ENTITY CONTROLLED BY A FOREIGN GOVERNMENT? IF SO, PLEASE FULLY DESCRIBE SUCH RELATIONSHIP.

No.

- C. DURING THE PAST TEN YEARS, HAVE YOU OR YOUR SPOUSE RECEIVED ANY COMPENSATION FROM, OR BEEN INVOLVED IN ANY FINANCIAL OR BUSINESS TRANSACTIONS WITH, A FOREIGN GOVERNMENT OR ANY ENTITY CONTROLLED BY A FOREIGN GOVERNMENT? IF SO, PLEASE PROVIDE DETAILS.

No.

- D. HAVE YOU OR YOUR SPOUSE EVER REGISTERED UNDER THE FOREIGN AGENTS REGISTRATION ACT? IF SO, PLEASE PROVIDE DETAILS.

No.

18. DESCRIBE ANY LOBBYING ACTIVITY DURING THE PAST TEN YEARS, OTHER THAN IN AN OFFICIAL U.S. GOVERNMENT CAPACITY, IN WHICH YOU OR YOUR SPOUSE HAVE ENGAGED FOR THE PURPOSE OF DIRECTLY OR INDIRECTLY INFLUENCING THE PASSAGE, DEFEAT, OR MODIFICATION OF FEDERAL LEGISLATION, OR FOR THE PURPOSE OF AFFECTING THE ADMINISTRATION AND EXECUTION OF FEDERAL LAW OR PUBLIC POLICY.

None.

PART D - FINANCIAL DISCLOSURE AND CONFLICT OF INTEREST

19. DESCRIBE ANY EMPLOYMENT, BUSINESS RELATIONSHIP, FINANCIAL TRANSACTION, INVESTMENT, ASSOCIATION, OR ACTIVITY (INCLUDING, BUT NOT LIMITED TO, DEALINGS WITH THE FEDERAL GOVERNMENT ON YOUR OWN BEHALF OR ON BEHALF OF A CLIENT), WHICH COULD CREATE, OR APPEAR TO CREATE, A CONFLICT OF INTEREST IN THE POSITION TO WHICH YOU HAVE BEEN NOMINATED.

None.

20. DO YOU INTEND TO SEVER ALL BUSINESS CONNECTIONS WITH YOUR PRESENT EMPLOYERS, FIRMS, BUSINESS ASSOCIATES AND/OR PARTNERSHIPS, OR OTHER ORGANIZATIONS IN THE EVENT THAT YOU ARE CONFIRMED BY THE SENATE? IF NOT, PLEASE EXPLAIN.

I do not have any non-Federal government business connections. If confirmed, I will resign from my career position at the National Geospatial-Intelligence Agency.

21. DESCRIBE THE FINANCIAL ARRANGEMENTS YOU HAVE MADE OR PLAN TO MAKE, IF YOU ARE CONFIRMED, IN CONNECTION WITH SEVERANCE FROM YOUR CURRENT POSITION. PLEASE INCLUDE SEVERANCE PAY, PENSION RIGHTS, STOCK OPTIONS, DEFERRED INCOME ARRANGEMENTS, AND ANY AND ALL COMPENSATION THAT WILL OR MIGHT BE RECEIVED IN THE FUTURE AS A RESULT OF YOUR CURRENT BUSINESS OR PROFESSIONAL RELATIONSHIPS.

If confirmed I will resign from my career position with the National Geospatial-Intelligence Agency. I will remain invested in the Government's Thrift Savings Plan. I am also a vested employee in the Federal Employee Retirement System (FERS) for retirement purposes and will remain in that system.

22. DO YOU HAVE ANY PLANS, COMMITMENTS, OR AGREEMENTS TO PURSUE OUTSIDE EMPLOYMENT, WITH OR WITHOUT COMPENSATION, DURING YOUR SERVICE WITH THE GOVERNMENT? IF SO, PLEASE PROVIDE DETAILS.

No.

23. AS FAR AS CAN BE FORESEEN, STATE YOUR PLANS AFTER COMPLETING GOVERNMENT SERVICE. PLEASE SPECIFICALLY DESCRIBE ANY AGREEMENTS OR UNDERSTANDINGS, WRITTEN OR UNWRITTEN, CONCERNING EMPLOYMENT AFTER LEAVING GOVERNMENT SERVICE. IN PARTICULAR, DESCRIBE ANY AGREEMENTS, UNDERSTANDINGS, OR OPTIONS TO RETURN TO YOUR CURRENT POSITION.

I do not have any plans as to what I will do after completing this federal service, if confirmed. I have no agreements or understandings concerning employment after leaving government service.

24. IF YOU ARE PRESENTLY IN GOVERNMENT SERVICE, DURING THE PAST FIVE YEARS OF SUCH SERVICE, HAVE YOU RECEIVED FROM A PERSON OUTSIDE OF GOVERNMENT AN OFFER OR EXPRESSION OF INTEREST TO EMPLOY YOUR SERVICES AFTER YOU LEAVE GOVERNMENT SERVICE? IF YES, PLEASE PROVIDE DETAILS.

No.

25. IS YOUR SPOUSE EMPLOYED? IF YES AND THE NATURE OF THIS EMPLOYMENT IS RELATED IN ANY WAY TO THE POSITION FOR WHICH YOU ARE SEEKING CONFIRMATION, PLEASE INDICATE YOUR SPOUSE'S EMPLOYER, THE POSITION, AND THE LENGTH OF TIME THE POSITION HAS BEEN HELD. IF YOUR SPOUSE'S EMPLOYMENT IS NOT RELATED TO THE POSITION TO WHICH YOU HAVE BEEN NOMINATED, PLEASE SO STATE.

N/A

26. LIST BELOW ALL CORPORATIONS, PARTNERSHIPS, FOUNDATIONS, TRUSTS, OR OTHER ENTITIES TOWARD WHICH YOU OR YOUR SPOUSE HAVE FIDUCIARY OBLIGATIONS OR IN WHICH YOU OR YOUR SPOUSE HAVE HELD DIRECTORSHIPS OR OTHER POSITIONS OF TRUST DURING THE PAST FIVE YEARS.

<u>NAME OF ENTITY</u>	<u>POSITION</u>	<u>DATES HELD</u>	<u>SELF OR SPOUSE</u>
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INFORMATION REDACTED

27. LIST ALL GIFTS EXCEEDING \$100 IN VALUE RECEIVED DURING THE PAST FIVE YEARS BY YOU, YOUR SPOUSE, OR YOUR DEPENDENTS. (NOTE: GIFTS RECEIVED FROM RELATIVES AND GIFTS GIVEN TO YOUR SPOUSE OR DEPENDENT NEED NOT BE INCLUDED UNLESS THE GIFT WAS GIVEN WITH YOUR KNOWLEDGE AND ACQUIESCENCE AND YOU HAD REASON TO BELIEVE THE GIFT WAS GIVEN BECAUSE OF YOUR OFFICIAL POSITION.)

As a senior government official, I occasionally receive gifts in excess of \$100, including the gift of attendance at events. These are accepted only in accordance with guidance from the relevant agency ethics official and appropriately reported on my annual financial disclosure reports. Upon reviewing my records, and to the best of my recollection, I accepted the following gifts in excess of \$100:

- U.S. Geospatial Intelligence Foundation's (USGIF) GeoGala (annually 2016-2018)
- National Space Club's Goddard Memorial Dinner (annually 2016-2019)
- Intelligence and National Security Alliance (INSA) Leadership dinners honoring members of the national security community (annually 2016-2019)
- INSA William Oliver Baker Award dinner (annually 2016-2019)
- Business Executives for National Security (BENS) Eisenhower Virtual Awards (2020, 2021)

Due to my official position as an invited guest or keynote speaker I receive free registration at some conferences. Some of these registrations would have been in excess of \$100.

I received a waiver for free conference attendance, lodging, and partial travel (beyond the day on which I was a speaker) at the 2018 Aspen Security Summit in Aspen, CO. I received a waiver for free conference attendance (beyond the day on which I was a speaker) at the 2019 Cipher Brief Threat Conference in Sea Island, GA.

The above list does not include conferences that had ODNI or NGA sponsorship resulting in complimentary tickets for attendees representing those organizations. These include: Black Engineer of the Year [BEYA] Award Conference (2018, 2019), HBCU Week conference (2019), and USGIF's GEOINT Summit (2016 – 2019).

28. LIST ALL SECURITIES, REAL PROPERTY, PARTNERSHIP INTERESTS, OR OTHER INVESTMENTS OR RECEIVABLES WITH A CURRENT MARKET VALUE (OR, IF MARKET VALUE IS NOT ASCERTAINABLE, ESTIMATED CURRENT FAIR VALUE) IN EXCESS OF \$1,000. (NOTE: THE INFORMATION PROVIDED IN RESPONSE TO SCHEDULE A OF THE DISCLOSURE FORMS OF THE OFFICE OF GOVERNMENT ETHICS MAY BE INCORPORATED BY REFERENCE, PROVIDED THAT CURRENT VALUATIONS ARE USED.)

<u>DESCRIPTION OF PROPERTY</u>	<u>VALUE</u>	<u>METHOD OF VALUATION</u>
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Please refer to my Nominee OGE278 Form.

29. LIST ALL LOANS OR OTHER INDEBTEDNESS (INCLUDING ANY CONTINGENT LIABILITIES) IN EXCESS OF \$10,000. EXCLUDE A MORTGAGE ON YOUR PERSONAL RESIDENCE UNLESS IT IS RENTED OUT, AND LOANS SECURED BY AUTOMOBILES, HOUSEHOLD FURNITURE, OR APPLIANCES. (NOTE: THE INFORMATION PROVIDED IN RESPONSE TO SCHEDULE C OF THE DISCLOSURE FORM OF THE OFFICE OF GOVERNMENT ETHICS MAY BE INCORPORATED BY REFERENCE, PROVIDED THAT CONTINGENT LIABILITIES ARE ALSO INCLUDED.)

<u>NATURE OF OBLIGATION</u>	<u>NAME OF OBLIGEE</u>	<u>AMOUNT</u>
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Please refer to my Nominee OGE278 Form.

30. ARE YOU OR YOUR SPOUSE NOW IN DEFAULT ON ANY LOAN, DEBT, OR OTHER FINANCIAL OBLIGATION? HAVE YOU OR YOUR SPOUSE BEEN IN DEFAULT ON ANY LOAN, DEBT, OR OTHER FINANCIAL OBLIGATION IN THE PAST TEN YEARS? HAVE YOU OR YOUR SPOUSE EVER BEEN REFUSED CREDIT OR HAD A LOAN APPLICATION DENIED? IF THE ANSWER TO ANY OF THESE QUESTIONS IS YES, PLEASE PROVIDE DETAILS.

No.

31. LIST THE SPECIFIC SOURCES AND AMOUNTS OF ALL INCOME RECEIVED DURING THE LAST FIVE YEARS, INCLUDING ALL SALARIES, FEES, DIVIDENDS, INTEREST, GIFTS, RENTS, ROYALTIES, PATENTS, HONORARIA, AND OTHER ITEMS EXCEEDING \$200. (COPIES OF U.S. INCOME TAX RETURNS FOR THESE YEARS MAY BE SUBSTITUTED HERE, BUT THEIR SUBMISSION IS NOT REQUIRED.)

INFORMATION REDACTED

32. IF ASKED, WILL YOU PROVIDE THE COMMITTEE WITH COPIES OF YOUR AND YOUR SPOUSE'S FEDERAL INCOME TAX RETURNS FOR THE PAST THREE YEARS?

Yes.

33. LIST ALL JURISDICTIONS IN WHICH YOU AND YOUR SPOUSE FILE ANNUAL INCOME TAX RETURNS.

Washington, DC

34. HAVE YOUR FEDERAL OR STATE TAX RETURNS BEEN THE SUBJECT OF AN AUDIT, INVESTIGATION, OR INQUIRY AT ANY TIME? IF SO, PLEASE PROVIDE DETAILS, INCLUDING THE RESULT OF ANY SUCH PROCEEDING.

No.

35. IF YOU ARE AN ATTORNEY, ACCOUNTANT, OR OTHER PROFESSIONAL, PLEASE LIST ALL CLIENTS AND CUSTOMERS WHOM YOU BILLED MORE THAN \$200 WORTH OF SERVICES DURING THE PAST FIVE YEARS. ALSO, LIST ALL JURISDICTIONS IN WHICH YOU ARE LICENSED TO PRACTICE.

N/A

36. DO YOU INTEND TO PLACE YOUR FINANCIAL HOLDINGS AND THOSE OF YOUR SPOUSE AND DEPENDENT MEMBERS OF YOUR IMMEDIATE HOUSEHOLD IN A BLIND TRUST? IF YES, PLEASE FURNISH DETAILS. IF NO, DESCRIBE OTHER ARRANGEMENTS FOR AVOIDING ANY POTENTIAL CONFLICTS OF INTEREST.

No, I do not intend to place my financial holdings in a blind trust. As a career senior government official, my financial holdings have been reviewed by ethics officials annually as part of the Office of Government Ethics OGE278 process. In addition, during the nominations process, I have consulted with the Designated Ethics Official at the Office of the Director of National Intelligence, who has, in turn, consulted with the Office of Government Ethics, to identify potential conflicts of interest. I will follow the advice of ethics officials to address any potential conflicts of interest identified, in order to resolve them in a manner that is consistent with the conflicts of interest statutes, applicable standards of conduct, and the terms of my aforementioned Ethics Agreement.

37. IF APPLICABLE, LIST THE LAST THREE YEARS OF ANNUAL FINANCIAL DISCLOSURE REPORTS YOU HAVE BEEN REQUIRED TO FILE WITH YOUR AGENCY, DEPARTMENT, OR BRANCH OF GOVERNMENT. IF ASKED, WILL YOU PROVIDE A COPY OF THESE REPORTS?

2020 Agency Financial Disclosure Report
2019 Agency Financial Disclosure Report
2018 Agency Financial Disclosure Report

I will provide copies upon request.

PART E - ETHICAL MATTERS

38. HAVE YOU EVER BEEN THE SUBJECT OF A DISCIPLINARY PROCEEDING OR CITED FOR A BREACH OF ETHICS OR UNPROFESSIONAL CONDUCT BY, OR BEEN THE SUBJECT OF A COMPLAINT TO, ANY COURT, ADMINISTRATIVE AGENCY, PROFESSIONAL ASSOCIATION, DISCIPLINARY COMMITTEE, OR OTHER PROFESSIONAL GROUP? IF SO, PLEASE PROVIDE DETAILS.

No.

39. HAVE YOU EVER BEEN INVESTIGATED, HELD, ARRESTED, OR CHARGED BY ANY FEDERAL, STATE, OR OTHER LAW ENFORCEMENT AUTHORITY FOR VIOLATION OF ANY FEDERAL STATE, COUNTY, OR MUNICIPAL LAW, REGULATION, OR ORDINANCE, OTHER THAN A MINOR TRAFFIC OFFENSE, OR NAMED AS A DEFENDANT OR OTHERWISE IN ANY INDICTMENT OR INFORMATION RELATING TO SUCH VIOLATION? IF SO, PLEASE PROVIDE DETAILS.

No.

40. HAVE YOU EVER BEEN CONVICTED OF OR ENTERED A PLEA OF GUILTY OR NOLO CONTENDERE TO ANY CRIMINAL VIOLATION OTHER THAN A MINOR TRAFFIC OFFENSE? IF SO, PLEASE PROVIDE DETAILS.

No.

41. ARE YOU PRESENTLY OR HAVE YOU EVER BEEN A PARTY IN INTEREST IN ANY ADMINISTRATIVE AGENCY PROCEEDING OR CIVIL LITIGATION? IF SO, PLEASE PROVIDE DETAILS.

No.

42. HAVE YOU BEEN INTERVIEWED OR ASKED TO SUPPLY ANY INFORMATION AS A WITNESS OR OTHERWISE IN CONNECTION WITH ANY CONGRESSIONAL INVESTIGATION, FEDERAL, OR STATE AGENCY PROCEEDING, GRAND JURY INVESTIGATION, OR CRIMINAL OR CIVIL LITIGATION IN THE PAST TEN YEARS? IF SO, PLEASE PROVIDE DETAILS.

No.

43. HAS ANY BUSINESS OF WHICH YOU ARE OR WERE AN OFFICER, DIRECTOR, OR PARTNER BEEN A PARTY TO ANY ADMINISTRATIVE AGENCY PROCEEDING OR CRIMINAL OR CIVIL LITIGATION RELEVANT TO THE POSITION TO WHICH YOU HAVE BEEN NOMINATED? IF SO, PLEASE PROVIDE DETAILS. (WITH RESPECT TO A BUSINESS OF WHICH YOU ARE OR WERE AN OFFICER, YOU NEED ONLY CONSIDER PROCEEDINGS AND LITIGATION THAT OCCURRED WHILE YOU WERE AN OFFICER OF THAT BUSINESS.)

No.

44. HAVE YOU EVER BEEN THE SUBJECT OF ANY INSPECTOR GENERAL INVESTIGATION? IF SO, PLEASE PROVIDE DETAILS.

No. However, as a long-term government employee, organizations in which I have held supervisory or management positions have been the subject of routine Inspector General audits, reviews, and inspections.

PART F - SECURITY INFORMATION

45. HAVE YOU EVER BEEN DENIED ANY SECURITY CLEARANCE OR ACCESS TO CLASSIFIED INFORMATION FOR ANY REASON? IF YES, PLEASE EXPLAIN IN DETAIL.

No.

46. HAVE YOU BEEN REQUIRED TO TAKE A POLYGRAPH EXAMINATION FOR ANY SECURITY CLEARANCE OR ACCESS TO CLASSIFIED INFORMATION? IF YES, PLEASE EXPLAIN.

Yes, I have taken both counterintelligence and full-scope polygraphs consistent with my employment at CIA (2003-2007) and NGA (2010-present).

47. HAVE YOU EVER REFUSED TO SUBMIT TO A POLYGRAPH EXAMINATION? IF YES, PLEASE EXPLAIN.

No.

PART G - ADDITIONAL INFORMATION

48. DESCRIBE IN YOUR OWN WORDS THE CONCEPT OF CONGRESSIONAL OVERSIGHT OF U.S. INTELLIGENCE ACTIVITIES. IN PARTICULAR, CHARACTERIZE WHAT YOU BELIEVE TO BE THE OBLIGATIONS OF THE PRINCIPAL DEPUTY DIRECTOR OF NATIONAL INTELLIGENCE AND THE INTELLIGENCE COMMITTEES OF THE CONGRESS, RESPECTIVELY, IN THE OVERSIGHT PROCESS.

As a former professional staff member on the House Permanent Select Committee on Intelligence, I know first-hand the importance of the intelligence committees and the need for them to provide an independent look at the strategies, plans, and accomplishments of the individual IC elements; within the larger context of the entire IC. I believe that congressional oversight is essential to a functioning democracy. Members of the intelligence committees, as representatives of both their broader House or Senate chambers and of the American people, should be kept fully and currently informed of intelligence activities. Occasionally, the most sensitive activities may require briefing a more limited number of members and staff, but I believe that is in keeping with the IC's commitment to transparency, while still balancing operational security.

The Principal Deputy Director of National Intelligence supports the Director of National Intelligence in the oversight responsibility for the entire IC and should respond to requests for information from the congressional intelligence committees in a timely fashion and with sufficient information to clearly answer the questions posed. The DNI and PDDNI should follow legislative direction and also take recommendations posed by the intelligence committees affecting the IC agencies into consideration for future activity planning.

Additionally, when I was a professional staff member on the HPSCI from 2007-2010, I believed that shepherding the Intelligence Authorization Act through the HPSCI, through negotiations with the SSCI, and then onto the House floor for a vote was one of the most important parts of our intelligence committees' oversight function. It is one of the most powerful ways to capture the direction of the intelligence committees and ensure IC-wide awareness.

49. EXPLAIN YOUR UNDERSTANDING OF THE RESPONSIBILITIES OF THE PRINCIPAL DEPUTY DIRECTOR OF NATIONAL INTELLIGENCE.

The Principal Deputy Director of National Intelligence (PDDNI) is responsible for assisting the Director of National Intelligence (DNI) in carrying out the duties and responsibilities of the Director. As the head of the IC, the DNI oversees the integration of intelligence functions, oversees and directs the implementation of the National Intelligence Program budget; oversees and directs the intelligence the IC provides to decision makers across the government; and serves as the principal intelligence advisor to the President.

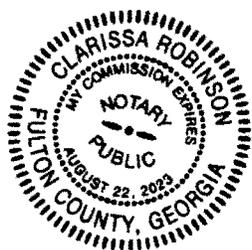
Two specific PDDNI responsibilities include standing in for the DNI when she is unavailable or after being delegated an authority, and leading the IC Deputies Committee to ensure strong connections with and between the deputies of the IC Elements.

AFFIRMATION

I, STACEY A. DIXON, DO SWEAR THAT THE ANSWERS I HAVE PROVIDED TO THIS QUESTIONNAIRE ARE ACCURATE AND COMPLETE.

5/7/2021
(Date)

STACEY A. DIXON SIGNATURE



NOTARY SIGNATURE

TO THE CHAIRMAN, SELECT COMMITTEE ON INTELLIGENCE:

In connection with my nomination to be the Principal Deputy Director of National Intelligence, I hereby express my willingness to respond to requests to appear and testify before any duly constituted committee of the Senate.

STACEY A. DIXON SIGNATURE

Date: 7 May 2021

UNCLASSIFIED

**SELECT COMMITTEE ON
INTELLIGENCE**

UNITED STATES SENATE



**Additional Pre-Hearing Questions for
Dr. Stacey Dixon upon her nomination to be
Principal Deputy Director of National Intelligence**

UNCLASSIFIED

UNCLASSIFIED

Responsibilities of the Principal Deputy Director of National Intelligence

QUESTION 1: Please explain your understanding of the responsibility of the Principal Deputy Director of National Intelligence (PDDNI) in the following capacities:

- a. To assist the Director of National Intelligence (DNI) in carrying out the DNI's duties and responsibilities; and
- b. To act in the DNI's place in the DNI's absence.

The PDDNI is statutorily required to assist the DNI in carrying out the duties and responsibilities of the DNI, to act for and exercise her powers in the event of an absence or disability. In practice, both the DNI and PDDNI execute the daily management of the Office of the Director of National Intelligence (ODNI) as it engages in its Intelligence Community (IC) integration, oversight, and support functions. In this manner, the PDDNI advises, assists, and reinforces the DNI's priorities while implementing her strategic direction and vision for the ODNI and the Intelligence Community (IC) as a whole.

QUESTION 2: Is your understanding that you and the DNI will divide responsibilities and that you will have a specific portfolio as PDDNI? If so, please describe this portfolio as you understand it. If not, please describe what you believe your primary responsibilities and activities will be, and on what areas you will concentrate.

In addition to the responsibilities of the PDDNI outlined in statute, regulation, and policy, I understand from DNI Haines that if I am confirmed, she would like me to leverage my background to focus on the integration of the IC's budget and resources, policies, capabilities, collection, and technology. I will also engage with the IC Human Capital and IC Diversity, Equity, and Inclusion offices on initiatives underway to improve how we build and support our workforce. Director Haines also previously stated during her confirmation process that she is looking for the following qualities in a principal deputy: a commitment to the IC workforce itself, a commitment to the apolitical nature of the IC's work, a commitment to tighter coordination and synchronization across the IC, a commitment to being a responsible steward of our nation's resources in the execution of an annual budget for the National Intelligence Program, and a commitment to transparency with the

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public and cooperation with Congressional oversight. If confirmed, my goal will be to exemplify those qualities.

QUESTION 3: What do you expect to be your specific management responsibilities within the Office of the Director of National Intelligence (ODNI)? Is it your understanding that anyone will report to you directly, if you are confirmed?

If confirmed, I will assist the DNI in leading the IC and managing the ODNI workforce. My direct reports will be the Deputy DNIs and the component leaders from the Centers, Offices, and Oversight functions that make up ODNI. As a full leadership team, we will advance IC integration and adapt our business models to support the changing intelligence environment.

QUESTION 4: What will your role and responsibilities be in relation to the Deputy Director of National Intelligence for Information Integration (DDNI/II)?

The DDNI for Information Integration has been renamed the DDNI for Mission Integration (MI). If confirmed, DDNI/MI will be one of my direct reports. MI is responsible for creating a consistent and holistic view of intelligence from collection to analysis and serving as the DNI's principal advisor on all aspects of intelligence. MI integrates mission capabilities, informs enterprise resource and policy decisions, and ensures the delivery of timely, objective, accurate, and relevant intelligence. MI's efforts will inform my guidance and oversight of the IC's budget and resources, policies, capabilities, collection, and technology.

QUESTION 5: Please explain your understanding of the role of the DNI in overseeing elements of the Intelligence Community (IC) that reside within various departments of the federal government and for elements that are not housed within other departments.

Congress established the DNI to oversee and to coordinate the activities of the other elements of the IC. That includes establishing objectives and priorities for the collection, analysis, production, and dissemination of national intelligence; ensuring maximum availability of and access to intelligence information within the IC; developing and ensuring the execution of an annual budget for the National Intelligence Program; and overseeing the coordination of relationships with the intelligence or security services of foreign governments and international organizations.

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The IC is composed of 18 elements that reside within various departments of the federal government or as independent agencies. The DNI's responsibility remains the same for both types of elements. As Director Haines previously stated the DNI's relationships with the leaders of all the IC components and, where appropriate, the departments and agencies within which they reside are critical to advancing the integration of intelligence analysis and successfully executing the DNI's coordination role. If confirmed, I will support her by ensuring that I have strong relationships with the component deputies, and where appropriate, the deputies of the departments or agencies within which they reside.

QUESTION 6: What issues have you discovered through your general observation, professional experience, or through your preparation for your confirmation, with respect to the DNI's role in overseeing the Central Intelligence Agency (CIA)?

As Director Haines stated, the CIA is a critical partner for a successful DNI, therefore the relationship between the DNI and the Director of the CIA is particularly important. I have not discovered any issues with respect to the DNI's role in overseeing the CIA. Through my personal experience, the DNI provides oversight of the CIA, in a similar manner as it does for all the other elements of the IC.

QUESTION 7: What issues have you discovered through your general observation, professional experience, or through your preparation for your confirmation, with respect to the DNI's role in overseeing intelligence elements of the Department of Defense (DoD)?

I have not discovered any issues with respect to the DNI's role in overseeing the intelligence elements of the Department of Defense (DoD). Additionally, it is my general observation and professional experience that the DNI and Secretary of Defense, through the USD(I&S), work well jointly overseeing the intelligence elements of the DoD.

In my experience, there is an opportunity to strengthen the relationship in the area of the intelligence budget and the funding structure within the Military Intelligence Program and the National Intelligence Program. There is also an opportunity to further discuss and agree on collection platforms and collection orchestration that supports the needs of decision-makers, warfighters and policymakers.

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QUESTION 8: What issues have you discovered through your general observation, professional experience, or through your preparation for your confirmation, with respect to the DNI's role in overseeing intelligence elements of other departments of the United States Government?

The DNI does a very good job overseeing the intelligence elements of the other departments of the U.S. Government. However, it is my general observation and professional experience as the Deputy Director of NGA, and a member of the Deputies Committee, that there is an opportunity to strengthen the ODNI's ability to fully leverage the talent within the intelligence elements in other departments of the U.S. Government. As the rise of global competitors highlights the need to focus on areas that are within the purview of elements in other departments, resources may need to shift to those elements to bolster their missions.

QUESTION 9: Do you believe additional legislation is needed to clarify or strengthen the authorities and responsibilities of the DNI with respect to the IC?

At this time, I do not have sufficient information to suggest whether additional legislation is needed to clarify or strengthen the authorities and responsibilities of the DNI with respect to the IC. If confirmed, I will observe whether and where the ODNI has challenges exercising its authorities and responsibilities. The regular examination and review of current authorities is important, especially when there are frequent technology advances and changes in the threat environment.

Keeping the Congressional Intelligence Committees Fully and Currently Informed

QUESTION 10: Please explain your understanding of the DNI's obligations under Sections 502 and 503 of the National Security Act of 1947.

Section 502 of the National Security Act of 1947, describes the reporting requirements for intelligence activities. It requires the DNI and the heads of all departments and agencies involved in intelligence activities to keep the congressional intelligence committees fully and currently informed of all intelligence activities, including significant anticipated intelligence activities and any significant intelligence failures.

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Section 503 of the National Security Act of 1947, describes presidential requirements for and procedures for covert action and the requirement to keep the congressional intelligence committees fully and currently informed of all covert actions programs. In extraordinary circumstances, notification of a covert action may be limited, consistent with the need to protect national security.

QUESTION 11: Does the PDDNI have any responsibilities to ensure that all departments, agencies, and other entities of the United States Government involved in intelligence activities in general, and covert action in particular, comply with the reporting requirements in Sections 502 and 503 of the National Security Act of 1947?

As the primary point of contact for the deputies of the other IC elements, the PDDNI assists the DNI in her responsibilities to comply with the reporting requirements in Sections 502 and 503 of the National Security Act of 1947.

QUESTION 12: Under what circumstances, if any, do you believe notification should be limited to the Chairman and Vice Chairman or Ranking Member of the congressional intelligence committees?

Under the law, congressional notifications must be made with due regard for the protection from unauthorized disclosure of classified intelligence sources and methods and other exceptionally sensitive matters. This is not a limit on whether the intelligence committees must be kept informed about intelligence activities; rather, it simply provides flexibility on how and when to bring extremely sensitive matters to the full committees' attention.

Section 503 permits the President to temporarily limit access to a Covert Action finding or notification to meet extraordinary circumstances affecting the vital interests of the United States. I believe limited notifications should be rare and should be done only in exceptional circumstances. As the DNI stated, and I support, even in those circumstances, she would discuss concerns about further briefings with the Chairman and Vice Chairman and have an ongoing dialogue with them about how and when the full committee membership should be briefed on the matter.

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National Security Threats

QUESTION 13: What do you view as the principal threats to national security with which the IC must concern itself in the coming years? Please explain the basis for your views.

The 2021 Annual Threat Assessment (ATA) Report effectively captures the complexity of the current threat landscape. China, Russia, Iran and North Korea, continue to invest in military capabilities while also investing in nuclear capabilities, and space capabilities. They, and other nation states and non-nation states are also using cyber for espionage, attacks, and influence-operations. The ATA also addresses numerous transnational issues and conflicts that must be monitored in some cases and disrupted in others.

The principal nation-state threat to U.S. national security is from China, and specifically the plans and intentions of the Chinese Communist Party. As stated in the ATA, "Beijing is increasingly combining its growing military power with its economic, technological, and diplomatic clout to preserve the CCP, secure what it views as its territory and regional preeminence, and pursue international cooperation at Washington's expense."

The IC must balance its focus on the principal threats, while also addressing other threats that have the potential to threaten the United States or our allies.

QUESTION 14: In your opinion, and based on your experience in the IC, how has the IC performed in adjusting its policies, resource allocations, planning, training, and programs to address these threats?

The threats facing the nation today and in the coming years are sophisticated -- at times blurring the definition of state or non-state aggression. How we define, respond, defend, and act will be greatly dependent on how well we adapt and evolve our policies, resources, planning, training and programs. Over the years, the IC has generally performed well in adjusting its policies, resource allocations, planning, training, and programs to address changing threats. As the threats continue to change in the future, however, the IC must adjust more quickly. If confirmed, it is one of my primary goals to protect against these threats by increasing agility across the IC, anticipating the need to balance and shift to stay ahead of and forecast threats.

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Management Challenges Facing the Intelligence Community

QUESTION 15: Apart from national security threats discussed in your prior responses, and based on your experience in the IC, what do you consider to be the highest priority management challenges facing the ODNI and the broader IC?

During my 18 years of experience in the IC, I have observed that the highest priority management challenge is the recruitment, development, and retention of employees with the requisite skills needed to accomplish the IC's present and future missions. The IC was late to modernize its human capital resources. While mission capabilities soared, a lack of investment in our human resources infrastructure has left us with a lasting challenge from which we need to catch up. Significant gains have been made, but we have to do more.

Additionally, the majority of undergraduates are unaware of the IC other than from movies and television shows and do not consider government service in general, and more specifically service in the IC, as a viable option. The ODNI needs to help educate the American public about the opportunities in the IC and the virtue of working in national security.

Allocation of Resources

QUESTION 16: What are your views on the intelligence budget in the short-, medium-, and long-term?

The IC's budget is complex. It requires constantly balancing the challenges we face today, and posturing the IC to address anticipated and unanticipated challenges of the future.

The IC budget must accommodate being responsive to both of these often competing requirements because failure either in the near-term or in the future could be catastrophic for the security of the United States. In my current position as Deputy Director NGA, my participation on the Deputies Committee has provided very insightful perspectives on community-wide budgetary discussions.

Short term, there are budget challenges. There are many investments to be made, but there are also government-wide investments that must be covered within the funding available to the entire government. There is no expectation of more resources, so the IC needs to rebalance what it does with the funds available,

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prioritizing the most critical investments and accepting the fact that there are some things the IC might need to do that it will not be able to do in the short-term.

In the mid-term and long-term, it would be great if the budget could expand to enable the IC to both focus on the immediate threats, while also investing enough in areas that are lower risk now, but that have the potential to be future threats; however history has shown that hoping for more funds in the future isn't always the best strategy. Therefore, the IC must plan for the possibility of no budget growth and the possibility of budget growth to cover emerging requirements simultaneously. In either scenario, we must efficiently apply the available resources to achieve maximum capability to inform policymakers, warfighters, and other customers, as appropriate, of the threats to our national security.

QUESTION 17: From your current experience as Deputy Director of the National Geospatial-Intelligence Agency and previously as Director of the Intelligence Advanced Research Projects Activity, please describe your understanding of the requirements and appropriate practice in obtaining Congressional concurrence for reprogramming's and releases from reserves.

The National Security Act of 1947, as amended (50 U.S.C. § 3024), lays out the responsibilities of the DNI regarding transfers and reprogrammings. This statute is further amplified in each year's annual appropriations and authorizations acts providing the DNI and IC the flexibility to accommodate changing requirements and priorities based upon world events. The laws surrounding these actions specifically require congressional notification for those actions that exceed the thresholds provided in the legislation for transfers and reprogrammings. It is the IC's practice to engage proactively with Congress to understand what concerns may exist with these actions and attempt to resolve those before taking action on those matters.

Similarly, for releases from reserves for contingencies, congressional notifications occur and the IC works with congressional oversight to understand and address any concerns or issues prior to executing.

Office of the Director of National Intelligence

There has been considerable debate in Congress concerning the appropriate size and function of the ODNI. Congress has considered various proposals to address

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these issues. In answering the questions that follow, please address the ODNI's staff functions and the specific ODNI components.

QUESTION 18: What is your view of the ODNI's size and function?

The ODNI plays a critical role in the IC and was formed in direct response to the findings outlined in the 9/11 Commission report. The Commissions clearly laid out the roles and tasks that ODNI should perform to better integrate the community to prevent intelligence failures. Based upon my observations from working both at and with ODNI, I believe the ODNI's current design and structure adheres to the recommendations made in that report. In terms of its size, ODNI has made a concerted effort over the past few years to streamline the organization, shift to a shared services model to avoid duplication of effort, and thoughtfully examine its force structure to look at the scope and scale of its efforts. If confirmed, I will work with the DNI to ensure the current ODNI structure is appropriate for ODNI's future success.

QUESTION 19: Do you believe that the ODNI has sufficient personnel resources to carry out its statutory responsibilities effectively?

I fully support the President's Budget request for ODNI and I trust the judgment of the ODNI leadership team in developing a budget that balances risk against a wide variety of mission needs that require appropriate resourcing.

QUESTION 20: In your view, what are the competing values and interests at issue in determining to what degree there should be a permanent cadre of personnel at the ODNI, or at any of its components, and to what degree the ODNI should utilize detailees from the IC elements?

As someone who served in a detailee role at ODNI, I have experienced first-hand the richness that comes from bringing together IC officers from across the community. Detailees at ODNI help ensure that the views of the IC agencies are represented while also providing valuable reach-back to their home organizations. Having a permanent cadre at ODNI that is not tethered to the operational agencies helps foster the ODNI's important role as an honest broker in oversight and integration. ODNI cadre officers are trained to see themselves as IC officers first, without bias for the individual preferences of any one agency and with the ability to bring together different voices and perspectives of the IC. As we further mature

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the concept of the IC officer, a mix of ODNI permanent cadre and detailees is optimal.

QUESTION 21: Do you believe that the ODNI is adding sufficient value to justify its large staff and budget? If not, what do you intend to do to reverse that perception?

Compared to other federal oversight organizations that perform similar roles and missions, most of which operate within a single department or agency with direct management lines of authority, ODNI must operate across 18 different IC organizations with distinct management structures. In my experience, ODNI is both efficient and effective in ensuring the Community is focused upon the most critical issues and providing common services and capabilities to enhance mission effectiveness in the IC. To reverse negative perceptions about ODNI's size, one of my priorities will be to increase our information sharing with Congress to demonstrate how ODNI makes a difference in leading integration across the IC.

QUESTION 22: Describe your understanding of the role played by National Intelligence Managers (NIMs) under ODNI's current structure and organization.

As Deputy Director of NGA, I attend the Deputies Committee and have the opportunity to hear from many of the NIMs. The NIMs fall under the National Intelligence Management Council (NIMC), which is part of the Directorate for Mission Integration. There are regional, functional, and domain NIMs that serve as the DNI's principal advisors on all aspects of their particular mission areas. The NIMs lead and integrate IC efforts across the community developing Unifying Intelligence Strategies (UIS) and make recommendations for investments, risk management, and global coverage and posture.

Cybersecurity

QUESTION 23: The ODNI has a central role to play in coordinating cybersecurity efforts, particularly with the respective roles of the Director of the National Security Agency and the head of U.S. Cyber Command.

- A. Are there any changes that you would recommend for the DNI's and IC's roles within the nation's cybersecurity infrastructure?

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I expect to have an active role in overseeing cyber-related issues including IC policy development, operational considerations, and safeguarding IC systems. If confirmed, I will assist the DNI in her cybersecurity responsibilities and make sure the ODNI and IC have the resources needed to support our roles in the nation's cybersecurity apparatus.

- B.** What is your view regarding the proposals to end the “dual-hat” relationship between the National Security Agency and U.S. Cyber Command?

There will certainly be, and I fully endorse, a continuing close and synergistic relationship between NSA and U.S. Cyber Command. I am committed to ensuring the right policies, processes and procedures are in place to ensure efficient NSA-U.S. Cyber Command integration across all lines of operations regardless of who is in charge. A series of agreements that NSA and U.S. Cyber Command have been operating under since 2018 codified the operational and support relationship in a way that ensures continued mission partnership. Regardless of the dual-hat decision, there will always be a strong link between the information gained from foreign intelligence and the development of operational capabilities.

- C.** What should be the IC's role in helping to protect U.S. commercial computer networks? What cyber threat information (classified or unclassified) should be shared with U.S. private sector critical infrastructure entities to enable them to protect their networks from possible cyber-attack?

With the increasingly sophisticated tradecraft of foreign cyber adversaries, ODNI recognizes the partnership between government and industry has become more critical than ever to obtain insights into foreign cyber adversary activities within US systems. The ODNI provides support to FBI, DHS, and sector specific agencies (for example, DOE, Treasury, and DOD to include NSA) to provide classified information to appropriate individuals in the private sector.

Science & Technology and Research & Development

QUESTION 24: How do you assess the state of research and development (R&D) activities within the IC?

My professional background has afforded me a number of positions across the IC's Science & Technology (S&T) enterprise including being the Director of Intelligence Advanced Research Project Agency (IARPA). I am confident in stating these activities are powerful mission enablers that leverage academic, commercial, and government personnel, and resources to further our intelligence advantage. The IC's R&D community benefits from the focused efforts of individual agencies as well as solving problems collaboratively across agencies. But we can do more. If confirmed, I will work to ensure the IC continues to emphasize R&D and S&T to serve both the development of unique capabilities and adoption of new technology to further the IC's mission and protect national security.

QUESTION 25: What changes, if any, need to be made in the IC regarding R&D?

The IC's mission is to collect, process, analyze, exploit, and disseminate information. R&D in the IC is about producing capabilities that enable mission and protect national security. To continue to do this the IC will have to harness accelerating technological change – from wherever it originates – to keep pace and evolve capabilities. There are increasingly sophisticated threats and the nature of conflicts are shifting. Now more than ever a stable funding base for IC technology partners in academia, industry, and government is crucial for the long-term fiscal health of the IC Science and Technology enterprise. The IC's goal is to be more flexible and agile so state of the art breakthroughs are fielded on a reduced timeline. This may require different approaches to acquisition and contracting and will require a commitment to transparency between and among agencies regarding R&D investments.

QUESTION 26: How will you advance IC-ITE to ensure that the IC is working as a whole to capitalize on the efficiencies IC-ITE is expected to bring to the IC?

To ensure the IC capitalizes on the efficiencies the Intelligence Community Information Technology Enterprise (IC-ITE) is expected to bring to the

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Community, if confirmed, I will continue the IC's strategic shift from a common services model to federated information technology (IT) service model that promotes interoperability while also allowing mission-specific tailoring to optimize operational effectiveness.

IC Missions and Capabilities

QUESTION 27: Please explain your views of the current quality of the IC's intelligence analysis.

*The Intelligence Reform and Terrorism Prevention Act of 2004 requires an annual evaluation of IC performance in analytic tradecraft. ODNI findings in 2020 indicate strong IC performance on the **relevance** standard, because the products provided threat context and factors affecting action, but weak performance on the **uncertainty** standard. Going forward, the IC should focus on accurately characterizing uncertainty. Adequate conveyance of the degree of confidence in a judgment will greatly improve that standard.*

From my perspective as NGA Deputy Director, I am very impressed with the quality of the IC's intelligence analysis. The IC does an outstanding job of covering a wide range of global issues. There is incredible analytic skill and capacity resident in the IC that enables timely policy and decision-making, which safeguards the American people, our allies, and U.S. interests. With that, we need to continue to challenge our assumptions and focus on how the world is changing and what profound impacts these changes will have on national security. Our investment in the next generation of intelligence analysts has to account for the changing nature of the talent and expertise we seek as the result of emerging new areas. A successful IC of the future has to become one IC and embrace an agile workforce.

QUESTION 28: If confirmed, what steps would you take to improve the IC's intelligence analysis?

The IC should continue to expand its interactions with academia, the private sector, and foreign partners – bringing diversity of views and other forms of alternative futures into analytic writing. This will help challenge thinking and help flag potential future issues for our policymakers. The health and wellness of intelligence analysis is dependent on the constant investment in recruiting the right talent, fostering continuous learning opportunities, and providing analysts with an

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enterprise IT architecture built for their data and tailored to their work. IC analysts need to be able to access data easily and more quickly. Improving intelligence analysis depends upon improving data discovery, tagging, and processing using artificial intelligence and machine learning; aiding analysts in a variety of ways to improve their products.

QUESTION 29: Please explain your views of the current quality of the IC's intelligence collection.

Collection capabilities in the five intelligence disciplines are strong, but demand continues to outpace supply. Part of effective collection management is balancing requirements across various collection systems. The IC has unique collection capabilities that are in constant high-demand. The IC identifies collections gaps with an enterprise approach and works together, to close collection gaps. The key to maximizing quality collection is prioritizing competing requirements against measured value; so the IC works the most critical questions achieving the best possible outcome for decision and policy-makers.

QUESTION 30: What are your recommendations for improving the quality of the IC's intelligence collection?

To improve the quality of the IC's intelligence collection, the IC must:

- *Continue to advance artificial intelligence and machine learning capabilities to help process large amounts of data more effectively,*
- *Continue enhancing multi-int collection across all collection types and modalities,*
- *Focus on acquisition agility with continued emphasis on the hardest of the hard problems, and*
- *Strengthen the collection management workforce and associated skillsets.*

Our adversaries are constantly improving their abilities to deny us information and we must seek innovative ways to defeat their efforts. To maintain our competitive advantage, the IC must continue to invest and re-invest in its most important collection assets. No one approach will work for the issues we face today.

If confirmed, I will encourage the development of innovative collection capabilities, strengthen our ability to process and exploit data, and enhance the

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skills of our teammates who collect information and manage our collection strategies.

We must also continue to look to where industry can help. The explosive growth of the commercial marketplace as it relates to computing power, processing speed, and data collection is driving the government away from government-specific solutions. We must embrace what is increasingly available and address how it can best be accessed and used. The growth in commercial imagery is one such example of commercially available information.

By investing in new technical capabilities, strengthening current critical assets, building the necessary supporting architecture, and leveraging a healthy commercial market, we will position ourselves to tackle current and future challenges.

QUESTION 31: If confirmed, what role would you have with regard to intelligence collection, and what steps would you take to improve the IC's intelligence collection?

If confirmed, I would lead the Deputies Committee, which drives the discussion and decisions pertaining to the allocation of resources within the IC and would work to incorporate my earlier recommendations for intelligence collection. I would help spotlight areas in the IC demonstrating collection coordination and drive the IC towards that goal. In addition to our internal collection integration, I would work along with the DNI on our foreign partner integration, where able, bridging partner capabilities and common interests for combined collection operations.

QUESTION 32: Please explain your views of the IC's use of contractors.

IC contractors are essential partners of the overall IC workforce strategy. The core contractor workforce complements the government workforce, bringing together a group of professionals with diversified skills and expertise. Contractors bring enormous value to difficult problem-sets, helping the IC address mission requirements.

QUESTION 33: In your view, has the IC achieved a proper balance of government and contractor personnel? Please explain the basis for your response.

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The proper balance of government and contractor personnel should always be evaluated. In 2017, the Intelligence Authorization Act included a provision for the Multi-Sector Workforce. This enables conversion of contractors to government staff, providing IC elements the flexibility to shape and maintain a balanced workforce with the appropriate mix of government personnel and contractors. As the IC implements Right Trusted Agile Workforce, there will be more hybrid employment models and a more mobile workforce. If confirmed, I will monitor how the IC Human Capital office assesses the overall workforce requirements and the ratio of government –to- contractor personnel required to meet our mission.

QUESTION 34: In your view, are there some functions that contractors should not conduct, or for which the IC's use of contractors should be discouraged or require additional approvals, including by the DNI? Please describe the basis for your response.

Yes. The government has well-established rules when it comes to contractor engagement, especially as it relates to tasks or functions considered inherently governmental. Contractors should not perform tasks or functions that involve the exercise of discretion required to make policy or other decisions regarding how we use or allocate resources, prioritize work, or expend funds. Further, contractors should not be the driver for more or new work. I believe and have acted on this foundational principle throughout my career and am committed to doing so in the future.

QUESTION 35: If confirmed, would you recommend changes to the security clearance process regarding IC contractors and/or Federal employees?

If confirmed, I would work to highlight the importance of personnel vetting reform and underscore personnel vetting as a priority. I will support the ongoing clearance reform effort of the Federal personnel vetting system – Trusted Workforce 2.0. This initiative directs bold action across the Government to transform the way the Federal Government builds and sustains a trusted Federal workforce devoted to the safety and well-being of the American people. For decades, there has been a tremendous strain on the personnel vetting enterprise. We can do better and must do better to support a revitalized workforce. We have a unique opportunity now to break the decade's long cycle of challenges by adopting a framework that leverages new thinking, modern capabilities, and cutting-edge information technology. These reforms are essential for our Government to obtain the talent needed to fill mission-critical positions

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with knowledgeable, skilled and motivated individuals. If confirmed, representing the Security Executive Agent role, I would support the Trusted Workforce 2.0 efforts to reform and improve the timeliness and efficiency of personnel vetting for hiring a trusted government workforce.

QUESTION 36: Please explain what your responsibilities would be, if confirmed, in making decisions or recommendations concerning IC officials' accountability with respect to matters of serious misconduct.

IC elements have primary responsibility for investigating and addressing allegations of misconduct within their respective organizations. The Inspector General for the IC element, or the Inspector General for the IC, might perform the investigation when serious misconduct is alleged. If confirmed, my responsibilities in making decisions or recommendations concerning allegations of serious misconduct by IC officials would be to ensure such allegations are fully investigated promptly and objectively and that IC element heads take appropriate disciplinary actions when warranted. I expect that, in the event an IC element head fails to take appropriate action in response to allegations of serious misconduct, it would be my duty to raise the issue with the DNI and, if appropriate, recommend an accountability review.

QUESTION 37: Please explain your responsibilities, if confirmed, to ensure that performance and rewards systems across the IC agencies are fair and equitable.

IC employees are the IC's most critical asset. Recognizing this, if confirmed, I will work closely with the IC Human Capital Office to ensure we are approaching the rewards process in a fair and equitable manner that emphasizes merit-based rewards for performance. I will also expect transparency in the IC's performance and rewards processes, providing employees with insight and visibility into outcomes. Additionally, I expect IC elements, with leadership from the IC Human Capital Office, to continue to identify and implement performance and rewards programs that have shown both the greatest employee satisfaction with processes used, that rewards the best performance, and that yields merit-based and fair outcomes. The IC consistently ranks as one of the Best Places to Work by the Partnership for Public Service. If confirmed, I will work hard to maintain the IC's place among the best places to work.

Financial Management and Infrastructure

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QUESTION 38: If confirmed, what role do you expect to have in reviewing business system investments in the IC?

The roles and responsibilities of the Office of Business Transformation are currently executed within the IC CIO's office. If confirmed, I would engage with the organization to be aware of business system transformation across the IC elements and work across the ODNI staff and other elements of the IC to bring awareness of best practices and opportunities to leverage investments across IC elements.

QUESTION 39: What responsibilities have you had at the NGA for producing financial statements?

As Deputy Director of NGA, my primary role has been ensuring the accurate production of financial statements by NGA's Chief Financial Executive (CFE) and her team in the Financial Management organization. NGA's acquisition and contracting efforts are grounded in ethics, integrity, and the fundamental core values that promote good stewardship of appropriated resources.

Acquisitions

QUESTION 40: What is your assessment of the IC's current acquisitions capability?

The IC's ultimate measure of successful performance is providing systems that meet mission requirements at costs that are affordable, ensuring taxpayer's money is spent as productively as possible. IC Acquisition is adapting its frameworks to achieve flexible, agile, risk-managed processes and best practices. These important ongoing efforts are enabling streamlined approaches to meet mission requirements. If confirmed, I look forward to continuing to build on the work aimed at adapting the IC's acquisition capability to promote efficient and effective delivery of innovative capabilities, data, and systems.

QUESTION 41: Do you believe the space industrial base specifically, and the intelligence industrial base more generally, are capable of producing the number of complex systems the IC and the DoD demand of them on time and within budget?

There is recognition across government and industry that we need to adapt our acquisition processes, where it makes sense, for our Nation's security. This is a

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hard problem, but not insurmountable. To be adaptive is to apply different solutions for different situations. The intelligence industrial base is capable of affordably producing the number of complex systems the IC and DoD demand when needed. The IC draws on a robust IC & DoD contractor base and with the expansion of commercial enterprises; there is an ever-increasing talent pool. The IC can shift further toward industrial based provisioned services and away from unique Government-centric acquisition of highly complex systems – such as commercial space imaging, and commercial launch capabilities.

Department of Defense

QUESTION 42: Please explain your understanding of the need to balance the requirements of national and tactical consumers, specifically between establishing a unified intelligence effort that includes DoD intelligence elements with the continuing requirement that combat support agencies be able to respond to the needs of military commanders.

My home agency, NGA, is a member of the IC and a Combat Support Agency. Balancing the requirements of national and tactical users is what my agency does 24/7/365. In my current role, I have seen how effective a single collection architecture that supports both tactical and national requirements can be. Bringing all available collection platforms to bear against a problem yields more coverage for all of the highest priority missions, as opposed to being limited to either a national-only or a tactical-only architecture. Orchestrating collection by leveraging all available collection platforms yields the most optimal solution. If there is a crisis, systems and analysts can focus more on the crisis area, whether that is a war zone or a strategic area of interest. The collection 'system of systems' is capable of that.

Likewise, I understand how the entire community must work together to optimize the full scope of our collective capabilities and focus them effectively to deliver the information and products national and tactical consumers need to meet their diverse missions. This means not only working across national agencies, but also leveraging the vital partnerships we have with our international allies. For example at NGA, I have seen the power of multi-national co-production efforts to deliver critical foundation maps and charts that our forces use to safely navigate around the world.

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I have also seen how critical it is to balance the information requirements of national and tactical consumers. Being able to deliver data, analysis and information at the classification levels across multiple platforms to meet the mission needs of the consumers is key to our overall success. From the most sensitive of programs to unclassified support to unclassified messaging, we must deliver information at the speed of relevance to our military commanders while continuing to protect our sources and methods.

I also acknowledge that there is a natural inclination to want to control ones sources of information, especially when lives are on the line. Therefore, it is incumbent upon those of us who support both the national and tactical users to be transparent about how we task systems, source data, ensure the accuracy and integrity of that data; we must also be transparent about what level of requirement satisfaction we can deliver. This is something NGA works hard to do daily.

QUESTION 43: What concerns do you have, if any, as to the IC's ability to support war zones while retaining its full capabilities to conduct missions outside of war zones?

During my tenure at NGA, I have seen NGA provide products to war zones while still successfully conducting missions outside of war zones. Information supporting the President's Intelligence Priorities and the National Intelligence Priorities must still be collected and analyzed even during times of war.

When it comes to information, if you are a user of the information, more is always better. No one is ever 100% satisfied. Despite that, being able to accomplish our mission to support requirements in war zones and outside of war zones is very doable. The system shifts to cover the most pressing needs. We invest in automation to speed up processes and increase efficiency. We optimize collection and analytic activities to support all partners and customers with their highest priority needs. The IC works with international and domestic partners to increase persistence and be more responsive to warfighter and policymaker's priorities. The IC routinely takes steps to adjust collection and analytic postures to address emerging threats and monitor potential crises. We leverage modern IT architectures to deliver data where it needs to be and in the format that is most useful for the end user.

There is, however, a finite amount of data available at any given moment. If more resources shift to one location, they have to shift from another location. This is

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why collection orchestration is so powerful, and why it is so critical that we build diversity, redundancy, and resiliency throughout our intelligence and defense infrastructures. No changes are made without understanding the impact on other missions. Reductions in one type of collection can often be mitigated by increasing collection from a different type of platform. Communication in these situations is paramount. It is the only way the end user will trust that the data they need will be there in a crisis.

Covert Action

QUESTION 44: What is your view of the DNI's responsibility to supervise, direct, or control the conduct of covert action by the CIA?

Consistent with the National Security Act of 1947, any decision to employ covert action as a tool of national security strategy will be made by the President. Pursuant to Executive Order 12333, the President has charged the Director of the CIA with responsibility for the conduct of covert action activities, except where the President determines that another agency is more likely to achieve a particular objective. E.O. 12333 states that the DNI "shall oversee and provide advice to the President and the NSC with respect to all ongoing and proposed covert action programs." I understand these requirements to mean that the DNI must be kept informed of existing covert action programs and should participate in the national security process of approving and reviewing covert action findings. In addition, the DNI is responsible for engaging with CIA and OMB to identify funds for new covert action findings. Finally, the DNI has a statutory mandate to ensure that the activities of CIA, including covert action, comply with the Constitution and laws of the United States.

QUESTION 45: Do you believe that any additional authorities are necessary to ensure that covert action programs are lawful, meet the public policy goals of the United States, or for any other purpose?

While I am not aware of a specific need for additional authorities, if confirmed, I would inform the Committees in the event I identify such a need and work with the Committees to address that need.

QUESTION 46: What in your view is the appropriate role for the CIA Inspector General in auditing covert action programs?

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My understanding is that the CIA Inspector General currently performs reviews and audits of covert action programs on a regular basis. I support these regular reviews.

QUESTION 47: If confirmed, what role will you have regarding covert actions?

If confirmed, I will assist Director Haines in her responsibilities as described in my response to Question 44. In addition, I would be prepared to act for, and exercise the powers of, the DNI should any circumstance arise where it would be necessary for me to do so.

Privacy and Civil Liberties

QUESTION 48: Please describe the IC's efforts to protect privacy and civil liberties, and what, if any, challenges face the IC in these areas.

The protection of privacy and civil liberties is -- and must be -- integral to every aspect of the IC's mission. The IC cannot be successful unless we earn and retain the public's trust. And as officers and Americans, we only truly protect our nation when we do so in a manner consistent with our values.

The protection of privacy and civil liberties begins with our adherence to legal safeguards. Intelligence authorities, including the National Security Act of 1947 and the Foreign Intelligence Surveillance Act of 1978, both authorize and provide real restraints on the activities of the IC. Executive Order 12333 also requires specific procedures, approved by the Attorney General after consultation with the DNI, governing the collection, retention, or dissemination of information concerning United States persons. Close collaboration with attorneys and privacy and civil liberties officers helps ensure that the execution of our mission is consistent with these core authorities. Effective oversight, both within the IC and by Congress, is also central to ensuring adherence to these critical protections.

While protecting privacy and civil liberties has been central to the work of the IC for my entire career, it has only been in more recent years that the IC has come to appreciate the need for true transparency. The strongest protections will not build public trust if the public does not know they exist. I have been encouraged by the efforts of the IC over the last decade to make public more information about the authorities and procedures under which it operates, and I believe we need to continue to enhance such transparency while protecting our sources and methods.

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The IC's most significant privacy and civil liberties challenge is ensuring that our protections keep pace with technological advancements. A data-rich environment with ever-improving analytic tools presents opportunities for intelligence collection and analysis, but also requires that we continue to conduct our activities in a manner that protects Americans' rights. With the use of technology, that safeguards privacy, strong and clear rules that ensure our civil liberties, and effective oversight, I believe we can remain nimble and protect both our national security and our values.

QUESTION 49: Section 102A(f)(4) of the National Security Act of 1947 provides that “[t]he Director of National Intelligence shall ensure compliance with the Constitution and laws of the United States by the Central Intelligence Agency and shall ensure such compliance by other elements of the intelligence community through the host executive departments that manage the programs and activities that are part of the National Intelligence Program.” What are the most important subjects concerning compliance with the Constitution and laws that the DNI should address in fulfilling this responsibility?

Every intelligence officer swears an oath to support and defend the Constitution and must always act in compliance with the laws of the United States. Of central importance are our rights under the First and Fourth Amendments, the right to due process, and the right to equal protection under the law. These rights are also protected and enshrined in many statutes, including the Foreign Intelligence Surveillance Act, the National Security Act, the Privacy Act, and the Civil Rights Act of 1964.

QUESTION 50: What methods, and through what officials, should the DNI use to ensure compliance with the Constitution and laws, including, but not limited to, the Office of the General Counsel, the ODNI Inspector General, and the Civil Liberties Protection Officers?

I proudly share in the responsibility of every officer within the IC to conduct our intelligence activities in compliance with the Constitution and the laws of the United States. But, those in leadership positions have the additional responsibility of ensuring that the IC has put in place the right tools – including clear rules and guidance, effective training, and strong oversight mechanisms – that enable compliance. If confirmed and to that end, I will work closely with the Office of General Counsel, the Office of Civil Liberties, Privacy, and Transparency, the

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Office of Equal Employment Opportunity, and the Office of the Inspector General for the IC.

Expiring Foreign Intelligence Surveillance Act provisions

QUESTION 51: What is your view with respect to reauthorizing Title VII of the Foreign Intelligence Surveillance Act provisions that expire in 2023, and, specifically, whether any of the provisions should be revised?

As the DNI stated during her confirmation hearing, Title VII of FISA provides some of the most critical intelligence to protect our national security. I understand that there is a variety of proposals to modify Section 702 and that Director Haines has committed to working with elements of the IC, the Department of Justice and the Congress to determine whether any changes can be made that would improve the protection of privacy and civil liberties without compromising national security. If confirmed, I would support the DNI in those efforts.

QUESTION 52: The USA FREEDOM Act of 2015 (P.L. 114-53) reauthorized three national security tools – Business Records collection, Roving Surveillance, and the Lone Wolf provision – that expired on March 15, 2020. What, if any, concerns do you have with the expiration of these authorities?

The provisions of FISA that expired on March 15, 2020, have bipartisan support and provide tools to protect Americans while protecting their rights. During her confirmation process, Director Haines stated that she supports reauthorization of the expired provisions, and, if confirmed, I look forward to working with Congress to this end.

Potential Politicization of Intelligence

QUESTION 53: How do you define the politicizing of intelligence?

Analytic Objectivity is the core ethic of the intelligence profession. Intelligence is the only great function of state that is expected to provide our customers – at the highest levels – unvarnished, unbiased assessments based on objective analysis of all the available facts. Under the law, Intelligence Reform and Terrorism Protection Act (IRTPA) Sections 1017, 1019, 1020, and described in further specificity in IC Directive 203, intelligence must be “objective and devoid of political considerations”.

QUESTION 54: What responsibilities does the PDDNI role entail, relative to ensuring the IC's analysis remains objective and free from political consideration?

If confirmed, I will be a strong partner with the DNI to ensure objective analysis. The PDDNI has to ensure that the appropriate oversight is in place to identify the politicization, make independent judgments, and provide recommendations to leadership.

The PDDNI provides oversight and advice to the intelligence production elements of the IC. The PDDNI is obliged to recognize where intelligence is not upholding ICD 203 principles, solicit advice and leverage the Analytic Ombudsman. The PDDNI is obliged to take steps to correct the problem, including faithfully representing analysts' work in interactions with decision-makers. Both the DNI and PDDNI set the tone for promoting a healthy challenge culture in and among analytic work units. The act of questioning is expected and encouraged rather than silenced or sidelined – instilling behavior congruent with the principle “speaking truth to power”.

QUESTION 55: In your view, how significant a concern is the risk of politicized intelligence?

I view politicization of analysis as an existential risk to the very reason why there is an IC. If we cannot provide objective analysis, or are perceived as being unable to do so, we run the risk of becoming irrelevant to policy-makers, our customers, and the American people.

As intelligence professionals, we should all be trained to deliver objective, independent analysis to consumers, especially when judgements are unwelcome. Beyond training for analysts and managers, if confirmed, I will provide consistent messaging, along with the DNI about the core ethic of objective analysis; workforce discussions about the positive value of objective analysis; and a network of advocates to promote a healthy challenge culture in the IC where divergent thoughts are discussed and alternative judgments are voiced – an environment in which politicization is not tolerated.

Workforce-Related

QUESTION 56: Please describe how you envision your role in overseeing and implementing IC-wide diversity, equity, and inclusion initiatives.

In line with the President's Executive Orders, it is critical to have continuous focus and investment in diversity, equity and inclusion across the IC. Recruiting and retaining an IC workforce that reflects America is one of Director Haines's priorities. If confirmed, I will chair the Deputies Committee, hearing regularly and directly from IC elements leadership about their respective element's diversity, equity, and inclusion policies, programs and initiatives. These efforts will take significant time, energy, continuous support and leadership engagement and I am committed to overseeing these important initiatives.

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SELECT COMMITTEE ON INTELLIGENCE

UNITED STATES SENATE



Post-hearing Questions for

**Dr. Stacey Dixon upon her nomination to be
Principal Deputy Director of National Intelligence**

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[From Senator Casey]

1. In your pre-hearing questions, you committed to carrying out DNI Haines' and President Biden's directives on expanding diversity, equity and inclusion across the IC. Part of your role as PDDNI includes chairing the Deputies Committee to oversee the various IC elements' diversity, equity and inclusion initiatives.¹

- **What do you see as barriers to expanding diversity within the IC?**

Expanding diversity in the IC is one of my top priorities. Barriers to expanding diversity include challenges with hiring, retention, and career development of women, minorities and persons with disabilities (PWDs). Themes within those challenges include structural/organizational and policy concerns, workplace attitudes and perceptions. The IC must also go beyond diversity to a culture of inclusion that connects each employee to the organization; encourages collaboration, flexibility, and fairness; and leverages diversity throughout the organization so that all individuals are able to participate and contribute to their full potential. Building a diverse and inclusive workforce requires dedication at all organizational levels, routine assessment of workforce data and plans, pipeline development, targeted outreach and recruitment, investment in assistive technologies and development of program metrics.

How will you leverage your leadership of the Deputies Committee to ensure the implementation of efforts to expand diversity, equity and inclusion across the IC?

Workforce diversity, equity, and inclusion are mission-critical imperatives for the IC, and the unique contributions of all employees are vital to the IC's success. The recently issued Executive Order on Diversity, Equity, Inclusion, and Accessibility (DEIA) provides detailed recommendations to help drive initiatives. Some of them include enhanced data collection; promoting paid internships, advancing equity for employees with disabilities and LGBTQ+ employees. In my role, I will continue to engage and foster

¹ Dixon Prehearing questions, Question 56, page 26.

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workplace diversity, equity, and inclusion by supporting programs and activities that aim to improve the IC's culture. I will lead the IC in placing greater emphasis on creating inclusive workplace cultures to leverage all the viewpoints and innovation that diversity yields.

As a current member of the Deputies Committee, I can attest to the fact that we review IC workforce demographics with an eye toward improving representation at all levels. It will take a different approach if we want to go beyond the small increases we measured between 2019-2020 in hiring women and minorities (0.1% and 0.8%, respectively) or having women and minorities serve as managers (0.9% and 0.5%, respectively). In chairing the Committee, I will work with members and the DNI to set and reach goals for diversity, equity and inclusion and leverage all facets of influence, such as budget, to keep a vigilant watch on our progress.

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**SELECT COMMITTEE ON
INTELLIGENCE**

UNITED STATES SENATE



**QUESTIONNAIRE FOR COMPLETION BY
PRESIDENTIAL NOMINEES**

**SELECT COMMITTEE ON INTELLIGENCE
UNITED STATES SENATE**

**QUESTIONNAIRE FOR COMPLETION BY
PRESIDENTIAL NOMINEES**

PART A - BIOGRAPHICAL INFORMATION

1. FULL NAME: Thomas Andrew Monheim
OTHER NAMES USED: None
2. DATE AND PLACE OF BIRTH: May 15, 1967; Belleville, IL, USA
CITIZENSHIP: US
3. MARITAL STATUS: Married
4. SPOUSE'S NAME: Catherine Ann Monheim
5. SPOUSE'S MAIDEN NAME IF APPLICABLE: Marchetti
6. NAMES AND AGES OF CHILDREN:

REDACTED

7. EDUCATION SINCE HIGH SCHOOL:

INSTITUTION	DATES ATTENDED	DEGREE RECEIVED	DATE OF DEGREE
National Defense University/ National War College	2013-2014	Masters	June 2014
UCLA School of Law	1989-1992	Juris Doctor	May 1992
University of Pennsylvania	1985-1989	Bachelor of Arts	May 1989
Papillion-LaVista High School	1983-1985	Diploma	May 1985

8. EMPLOYMENT RECORD (LIST ALL POSITIONS HELD SINCE COLLEGE, INCLUDING MILITARY SERVICE. INDICATE NAME OF EMPLOYER, POSITION, TITLE OR DESCRIPTION, LOCATION, AND DATES OF EMPLOYMENT).

Civilian employment:

EMPLOYER	POSITION/TITLE	LOCATION	DATES
National Geospatial-Intelligence Agency	Special Advisor to the Chief of Staff	Springfield, VA	May 2021 - present
Office of the Director of National Intelligence	(Acting) Inspector General of the Intelligence Community	Reston, VA	April 2020 - May 2021
National Geospatial-Intelligence Agency	General Counsel	Springfield, VA	2016-2020
National Geospatial-Intelligence Agency	Deputy General Counsel	Springfield, VA	2014-2016
Office of the Director of National Intelligence	Deputy General Counsel	McLean, VA	2013-2014
Office of the Director of National Intelligence, National Counterterrorism Center	Senior Legal Advisor for Counterterrorism	McLean, VA	2008-2013
U.S. Department of Justice	Associate Deputy Attorney General	Washington, DC	2005-2008
Executive Office of the President	Associate Counsel to the President	Washington, DC	2003-2005
King & Spalding LLP	Associate	Washington, DC	1998-2003
Holloman AFB Youth Center	Tae Kwon Do instructor	Alamogordo, NM	1994-1996
Crowe & Day	Associate	Los Angeles, CA	1992-1993
Barash & Hill	Summer Associate	Los Angeles, CA	1991
University of Pennsylvania	Tutor	Philadelphia, PA	1987-1989

Military service:

(Note: some time periods overlap with dates above because of part-time reserve duty and two mobilizations)

EMPLOYER	POSITION/TITLE	LOCATION	DATES
U.S. Air Force, HQ Air Mobility Command	Senior Individual Mobilization Augmentee (Reservist)	Scott AFB, IL	2015-2016
U.S. Air Force, Air Force Legal Operations Agency, AFLOA/JAC	Senior Individual Mobilization Augmentee (Reservist)	JB Andrews, MD	2013-2015
U.S. Air Force, Air Force Legal Operations Agency, AFLOA/JAJG	Senior Individual Mobilization Augmentee (Reservist)	JB Andrews, MD	2011-2013
Joint Special Operations Task Force	Legal Advisor (mobilized Reservist)	JB Balad, Iraq	2009-2010
U.S. Air Force, Air Force Legal Operations Agency, AFLOA/JAT	Military Judge (Reservist)	JB Andrews, MD	2008-2011
U.S. Air Force, White House Military Office	Deputy General Counsel (Reservist)	Washington, DC	2004-2008
U.S. Air Force, Air Force Legal Operations Agency, AFLOA/JAJG	Appellate Government Counsel (Reservist)	Bolling AFB, DC	2003-2004
U.S. Air Force,	Special Counsel	Pentagon, VA	2002-2003

Department of Defense, Office of General Counsel	(mobilized Reservist)		
U.S. Air Force, Air Force Legal Services Agency, AFLSA/JAJT	Circuit Trial Counsel (Reservist)	Bolling AFB, DC	1998-2002
U.S. Air Force, Air Force Legal Services Agency, AFLSA/JAJT	Circuit Trial Counsel (active duty)	Bolling AFB, DC	1996-1998
U.S. Air Force, Air Force Legal Services Agency, AFLSA/JAJD	Area Defense Counsel (active duty)	Holloman AFB, NM	1995-1996
U.S. Air Force, Air Combat Command, 49 th Fighter Wing	Assistant Staff Judge Advocate (active duty)	Holloman AFB, NM	1994-1995
U.S. Air Force, Air Education and Training Command, Lowry Training Center	Assistant Staff Judge Advocate (active duty)	Lowry AFB, CO	1993-1994
U.S. Air Force, Air Mobility Command, 60 th Air Mobility Wing	Legal intern (temporary duty)	Travis AFB, CA	Summer 1990
U.S. Air Force, ROTC Detachment 750	Cadet	Philadelphia, PA	1985-1989

9. GOVERNMENT EXPERIENCE (INDICATE EXPERIENCE IN OR ASSOCIATION WITH FEDERAL, STATE, OR LOCAL GOVERNMENTS, INCLUDING ADVISORY, CONSULTATIVE, HONORARY, OR OTHER PART-TIME SERVICE OR POSITION. DO NOT REPEAT INFORMATION ALREADY PROVIDED IN QUESTION 8).

Please see my response to Question 8, which describes my more than 30 years of Government experience.

10. INDICATE ANY SPECIALIZED INTELLIGENCE OR NATIONAL SECURITY EXPERTISE YOU HAVE ACQUIRED HAVING SERVED IN THE POSITIONS DESCRIBED IN QUESTIONS 8 AND/OR 9.

The majority of my 30-plus year career has been in the national security field, with the last 13 years in the Intelligence Community (IC) and more than 5 years before that working closely with the IC.

My military service (active duty and reserve) included experiences related to the rule of law, litigation, interagency and international agreements, operational law, information sharing, and privacy and civil liberties.

I began working closely with the IC while, as Associate Counsel to the President, I helped coordinate the Executive Branch's response to the National Commission on Terrorist Attacks Upon the United States ("9/11 Commission") and subsequent implementation of various recommendations, including those in the Intelligence Reform and Terrorism Prevention Act of 2004. I continued working closely with the IC while at the Department of Justice, where I helped coordinate the Department's national security-related efforts and represent the Department in various interagency meetings.

Since joining the IC in 2008, I have been privileged to serve in a variety of legal roles at the National Counterterrorism Center (NCTC), the Office of the Director of National Intelligence (ODNI), and the National Geospatial-Intelligence Agency (NGA). In those roles, I provided timely, accurate, and practical advice to enable the organization's mission consistent with the Constitution and law. While at NGA, I also oversaw the agency's ethics program and intelligence oversight program. Most recently, I have been the Acting Inspector General of the Intelligence Community, conducting independent and objective oversight of programs and activities within the responsibility and authority of the Director of National Intelligence (DNI).

11. HONORS AND AWARDS (PROVIDE INFORMATION ON SCHOLARSHIPS, FELLOWSHIPS, HONORARY DEGREES, MILITARY DECORATIONS, CIVILIAN SERVICE CITATIONS, OR ANY OTHER SPECIAL RECOGNITION FOR OUTSTANDING PERFORMANCE OR ACHIEVEMENT).

Civilian honors and awards:

- Presidential Rank Award, Meritorious Executive, 2016
- Office of the Director of National Intelligence Exceptional Service Award, 2014
- Director of National Intelligence Exceptional Achievement Award, 2012
- Director of the National Counterterrorism Center Team Award, 2012
- Department of Justice Outstanding Service Recognition, 2008
- Department of State Superior Honor Award, 2006

Military honors and awards:

- Judge Advocates Association, Outstanding Career Judge Advocate Award
- Legion of Merit
- Bronze Star Medal
- Defense Meritorious Service Medal
- Meritorious Service Medal with three oak leaf clusters
- Joint Service Commendation Medal
- Air Force Commendation Medal with one oak leaf cluster
- Air Force Organizational Excellence Award with two oak leaf clusters
- National Defense Service Medal with one device
- Iraq Campaign Medal
- Global War on Terrorism Service Medal
- Air Force Expeditionary Service Ribbon with Gold Border
- Air Force Longevity Service Medal
- Armed Forces Reserve Medal with "M" device
- Air Force Training Ribbon
- Air Force Reserve Officer Training Corps Distinguished Graduate

12. ORGANIZATIONAL AFFILIATIONS (LIST MEMBERSHIPS IN AND OFFICES HELD WITHIN THE LAST TEN YEARS IN ANY PROFESSIONAL, CIVIC, FRATERNAL, BUSINESS, SCHOLARLY, CULTURAL, CHARITABLE, OR OTHER SIMILAR ORGANIZATIONS).

ORGANIZATION	OFFICE HELD	DATES
District of Columbia Bar Association	Member	1998-present
Colorado Bar Association	Member (currently inactive)	1993-present
California Bar Association	Member (currently inactive)	1992-present
U.S. Supreme Court Bar	Member	2006-present
U.S. Court of Appeals for the Armed Forces Bar	Member	1993-present
Air Force Court of Criminal Appeals Bar	Member	1993-present
Penn Alumni Association	Member	1989-present
UCLA Alumni Association	Member	1992-present
National War College Alumni Association	Member	2014-present
Bush-Cheney Alumni Association	Member	2008-present
Army and Navy Club	Member	2015-present
Church of the Nativity	Member	1999-present
South Run Forest Homeowners' Association	Member	1999-present
Bethany West Homeowners' Association	Member	2010-present
U.S.A. Triathlon Association	Member	1998-2018

U.S. Masters Swimming	Member	2012-2015
Intelligence and National Security Alliance	Honorary member	2014-2020
U.S. Geospatial Intelligence Foundation	Honorary member	2014-2020

13. PUBLISHED WRITINGS AND SPEECHES (LIST THE TITLES, PUBLISHERS, BLOGS AND PUBLICATION DATES OF ANY BOOKS, ARTICLES, REPORTS, OR OTHER PUBLISHED MATERIALS YOU HAVE AUTHORED. ALSO LIST ANY PUBLIC SPEECHES OR REMARKS YOU HAVE MADE WITHIN THE LAST TEN YEARS FOR WHICH THERE IS A TEXT, TRANSCRIPT, OR VIDEO). IF ASKED, WILL YOU PROVIDE A COPY OF EACH REQUESTED PUBLICATION, TEXT, TRANSCRIPT, OR VIDEO?

Below are all the writings and remarks I can recall that are responsive to the Committee's requests. If asked, I will provide the Committee with copies of any publication, text, transcript, or video in my possession.

Published writings:

- "Message from the Inspector General" in the Office of the Inspector General of the Intelligence Community (IC IG) Semi-Annual Report for the period ending in March 2021, which will be posted on the IC IG website after the DNI and Congress receive it.
- "Message from the Inspector General" in the IC IG Semi-Annual Report for the period ending in September 2020, which is posted on the IC IG website.
- "Message from the Inspector General" in the IC IG Semi-Annual Report for the period ending in March 2020, which is posted on the IC IG website.
- "Inspector General Foreword" in the IC IG Fiscal Year 2021 Annual Work Plan, which is posted on the IC IG website.
- IC IG message about whistleblowing in the IC, which is posted on the IC whistleblowing website.
- In 2019, in my personal capacity, I contributed a brief "Counselor's Corner" comment to a "Fundamentals of Business Law" book by my sister Melissa Randall and Community College of Denver Students.
- In 2016, while the NGA General Counsel, I signed a statement of IC general counsels support for diversity & inclusion in the IC legal community, which was posted on the ODNI website.
- In 2006, while working at the Department of Justice, I was part of the United States delegation that provided information to the United Nations regarding US compliance with our obligations under the Convention Against Torture, some of which was posted on the United Nations website.
- In 2002, while at King & Spalding, I was an author of the "Nunn-Wolfowitz Task Force Report: Industry Best Practices Regarding Export Compliance Programs," which is now publicly available.
- In 1992, while in law school, I wrote an article entitled "Personal Communications Services: The Wireless Future of Telecommunications," which was published in the Federal Communications Law Journal.

Recorded speeches and remarks in the last 10 years:

- In April 2021, I recorded a brief video message in support of diversity, equity & inclusion that was incorporated in a Council of the Inspectors General on Integrity and Efficiency (CIGIE) Town Hall.
- In November 2020, I gave a presentation at Mantua Elementary School about Veterans Day, which was recorded by Fairfax County Public Schools.

- In February 2020, I recorded a podcast about the NGA core value Accountability, which is posted on the NGA classified system.
- In September 2019, I gave a presentation at an event hosted by the American Bar Association (ABA) National Security Law Committee entitled "The Geospatial-Intelligence Revolution is Underway – And You Should Care!" which was posted on an ABA website.
- I have given other presentations and participated on panels in various venues (such as conferences, professional development seminars, law schools, and universities) related to national security and trial advocacy, but, to the best of my knowledge, those events were not recorded or transcribed and the materials were not published.

PART B - QUALIFICATIONS

14. QUALIFICATIONS (DESCRIBE WHY YOU BELIEVE YOU ARE QUALIFIED TO SERVE AS THE INSPECTOR GENERAL OF THE INTELLIGENCE COMMUNITY).

I have dedicated my entire professional career to upholding the rule of law and will continue to do so. As briefly summarized in my response to Question 10, I have been privileged to serve the American people and this great Nation for more than 30 years.

Most recently, I served in this position as the Acting Inspector General of the Intelligence Community for more than a year. During that time, I led the IC IG team to accomplish our vital missions, despite various challenges. Among other things, we: independently conducted audits, inspections, investigations, and reviews of programs and activities within the DNI's responsibility and authority; managed the IC IG hotline and whistleblower program; kept the DNI and Congress fully and currently informed; led the IC IG Forum (consisting of the Inspectors General with oversight responsibility for an IC element) in a collaborative and productive manner; and fostered partnerships and worked collaboratively with other colleagues in the IC community, the Council of the Inspectors General on Integrity and Efficiency (CIGIE), and the Five Eyes Intelligence Oversight and Review Council (FIORC).

This most recent experience builds on my prior 12 years of experience in the IC in various positions, including 6 years at ODNI and NCTC, where I gained an understanding and appreciation of the ODNI authorities, responsibilities, missions, and organization. My years of experience participating in the IC General Councils Forum while at ODNI and NGA gave me different perspectives and deeper appreciation of how ODNI can embrace the responsibility of leading the IC in a collaborative way while also respecting the roles, responsibilities, and authorities of the individual IC elements.

I also have 29 years of legal experience, during which I have been upholding the rule of law in myriad ways, including 6 years as NGA General Counsel, where I worked closely with the NGA Inspector General; and more than 10 years as a military prosecutor, defense counsel, appellate counsel, and judge.

Throughout my career, I have proven my ability to build and effectively lead diverse multi-disciplinary teams, and take good care of the people I am entrusted to lead, so that together we can better accomplish our mission. I have also worked closely and collaboratively with interagency, inter-governmental, international, industry, and academic partners to achieve better results.

I endeavor to follow the guiding principles and exemplify the core values of the organizations I serve. The IC IG's core values of Integrity, Independence, Accountability, Diversity, and Transparency resonate with me, inspire me, and will continue to guide me and the teams I lead.

If privileged to be confirmed as the Inspector General of the Intelligence Community, I will continue to well and faithfully discharge the important duties of this critical position to the best of my abilities.

PART C - POLITICAL AND FOREIGN AFFILIATIONS

15. POLITICAL ACTIVITIES (LIST ANY MEMBERSHIPS OR OFFICES HELD IN OR FINANCIAL CONTRIBUTIONS OR SERVICES RENDERED TO, ANY POLITICAL PARTY, ELECTION COMMITTEE, POLITICAL ACTION COMMITTEE, OR INDIVIDUAL CANDIDATE DURING THE LAST TEN YEARS).

None.

16. CANDIDACY FOR PUBLIC OFFICE (FURNISH DETAILS OF ANY CANDIDACY FOR ELECTIVE PUBLIC OFFICE).

None.

17. FOREIGN AFFILIATIONS

(NOTE: QUESTIONS 17A AND B ARE NOT LIMITED TO RELATIONSHIPS REQUIRING REGISTRATION UNDER THE FOREIGN AGENTS REGISTRATION ACT. QUESTIONS 17A, B, AND C DO NOT CALL FOR A POSITIVE RESPONSE IF THE REPRESENTATION OR TRANSACTION WAS AUTHORIZED BY THE UNITED STATES GOVERNMENT IN CONNECTION WITH YOUR OR YOUR SPOUSE'S EMPLOYMENT IN GOVERNMENT SERVICE.)

- A. HAVE YOU OR YOUR SPOUSE EVER REPRESENTED IN ANY CAPACITY (E.G. EMPLOYEE, ATTORNEY, OR POLITICAL/BUSINESS CONSULTANT), WITH OR WITHOUT COMPENSATION, A FOREIGN GOVERNMENT OR AN ENTITY CONTROLLED BY A FOREIGN GOVERNMENT? IF SO, PLEASE FULLY DESCRIBE SUCH RELATIONSHIP.

No.

- B. HAVE ANY OF YOUR OR YOUR SPOUSE'S ASSOCIATES REPRESENTED, IN ANY CAPACITY, WITH OR WITHOUT COMPENSATION, A FOREIGN GOVERNMENT OR AN ENTITY CONTROLLED BY A FOREIGN GOVERNMENT? IF SO, PLEASE FULLY DESCRIBE SUCH RELATIONSHIP.

No.

- C. DURING THE PAST TEN YEARS, HAVE YOU OR YOUR SPOUSE RECEIVED ANY COMPENSATION FROM, OR BEEN INVOLVED IN ANY FINANCIAL OR BUSINESS TRANSACTIONS WITH, A FOREIGN GOVERNMENT OR ANY ENTITY CONTROLLED BY A FOREIGN GOVERNMENT? IF SO, PLEASE PROVIDE DETAILS.

No.

- D. HAVE YOU OR YOUR SPOUSE EVER REGISTERED UNDER THE FOREIGN AGENTS REGISTRATION ACT? IF SO, PLEASE PROVIDE DETAILS.

No.

18. DESCRIBE ANY LOBBYING ACTIVITY DURING THE PAST TEN YEARS, OTHER THAN IN AN OFFICIAL U.S. GOVERNMENT CAPACITY, IN WHICH YOU OR YOUR SPOUSE HAVE ENGAGED FOR THE PURPOSE OF DIRECTLY OR INDIRECTLY INFLUENCING THE PASSAGE, DEFEAT, OR MODIFICATION OF FEDERAL LEGISLATION, OR FOR THE PURPOSE OF AFFECTING THE ADMINISTRATION AND EXECUTION OF FEDERAL LAW OR PUBLIC POLICY.

None.

PART D - FINANCIAL DISCLOSURE AND CONFLICT OF INTEREST

19. DESCRIBE ANY EMPLOYMENT, BUSINESS RELATIONSHIP, FINANCIAL TRANSACTION, INVESTMENT, ASSOCIATION, OR ACTIVITY (INCLUDING, BUT NOT LIMITED TO, DEALINGS WITH THE FEDERAL GOVERNMENT ON YOUR OWN BEHALF OR ON BEHALF OF A CLIENT), WHICH COULD CREATE, OR APPEAR TO CREATE, A CONFLICT OF INTEREST IN THE POSITION TO WHICH YOU HAVE BEEN NOMINATED.

In connection with the nomination process, I consulted with the ODN's Designated Agency Ethics Official (DAEO) and the Office of Government Ethics (OGE) to identify any potential conflicts of interest. I also completed an Ethics Agreement that describes the steps that I will take to avoid any actual or apparent conflict of interest if I am confirmed. That Ethics Agreement is attached as Exhibit 1.

As reflected in Section 2 of that agreement, if confirmed, I will divest my interest in the Fidelity Defense and Aerospace Portfolio Fund no later than 90 days after my confirmation. Furthermore, until I have completed that divestiture, I will not participate personally and substantially in any particular matter that to my knowledge has a direct and predictable effect on the financial interests of any holding in that sector, unless I first obtain a waiver or qualify for a regulatory exemption.

I will continue to follow the advice of government ethics officials to address any conflict-of-interest issues that might arise.

20. DO YOU INTEND TO SEVER ALL BUSINESS CONNECTIONS WITH YOUR PRESENT EMPLOYERS, FIRMS, BUSINESS ASSOCIATES AND/OR PARTNERSHIPS, OR OTHER ORGANIZATIONS IN THE EVENT THAT YOU ARE CONFIRMED BY THE SENATE? IF NOT, PLEASE EXPLAIN.

Yes.

21. DESCRIBE THE FINANCIAL ARRANGEMENTS YOU HAVE MADE OR PLAN TO MAKE, IF YOU ARE CONFIRMED, IN CONNECTION WITH SEVERANCE FROM YOUR CURRENT POSITION. PLEASE INCLUDE SEVERANCE PAY, PENSION RIGHTS, STOCK OPTIONS, DEFERRED INCOME ARRANGEMENTS, AND ANY AND ALL COMPENSATION THAT WILL OR MIGHT BE RECEIVED IN THE FUTURE AS A RESULT OF YOUR CURRENT BUSINESS OR PROFESSIONAL RELATIONSHIPS.

If confirmed, I plan to retain my current government benefits if possible. I intend to continue participating in the 401(k) defined benefit plan through a prior employer (King & Spalding LLP), but the firm ceased making contributions upon my separation in 2003.

22. DO YOU HAVE ANY PLANS, COMMITMENTS, OR AGREEMENTS TO PURSUE OUTSIDE EMPLOYMENT, WITH OR WITHOUT COMPENSATION, DURING YOUR SERVICE WITH THE GOVERNMENT? IF SO, PLEASE PROVIDE DETAILS.

No.

23. AS FAR AS CAN BE FORESEEN, STATE YOUR PLANS AFTER COMPLETING GOVERNMENT SERVICE. PLEASE SPECIFICALLY DESCRIBE ANY AGREEMENTS OR UNDERSTANDINGS, WRITTEN OR UNWRITTEN, CONCERNING EMPLOYMENT AFTER LEAVING GOVERNMENT SERVICE. IN PARTICULAR, DESCRIBE ANY AGREEMENTS, UNDERSTANDINGS, OR OPTIONS TO RETURN TO YOUR CURRENT POSITION.

I currently intend to retire after government service. I do not have any agreements or understandings regarding future employment.

24. IF YOU ARE PRESENTLY IN GOVERNMENT SERVICE, DURING THE PAST FIVE YEARS OF SUCH SERVICE, HAVE YOU RECEIVED FROM A PERSON OUTSIDE OF GOVERNMENT AN OFFER OR EXPRESSION OF INTEREST TO EMPLOY YOUR SERVICES AFTER YOU LEAVE GOVERNMENT SERVICE? IF YES, PLEASE PROVIDE DETAILS.

No.

25. IS YOUR SPOUSE EMPLOYED? IF YES AND THE NATURE OF THIS EMPLOYMENT IS RELATED IN ANY WAY TO THE POSITION FOR WHICH YOU ARE SEEKING CONFIRMATION, PLEASE INDICATE YOUR SPOUSE'S EMPLOYER, THE POSITION, AND THE LENGTH OF TIME THE POSITION HAS BEEN HELD. IF YOUR SPOUSE'S EMPLOYMENT IS NOT RELATED TO THE POSITION TO WHICH YOU HAVE BEEN NOMINATED, PLEASE SO STATE.

Yes. My wife's employment (at Fairfax County Public Schools) is not related to the position to which I have been nominated.

26. LIST BELOW ALL CORPORATIONS, PARTNERSHIPS, FOUNDATIONS, TRUSTS, OR OTHER ENTITIES TOWARD WHICH YOU OR YOUR SPOUSE HAVE FIDUCIARY OBLIGATIONS OR IN WHICH YOU OR YOUR SPOUSE HAVE HELD DIRECTORSHIPS OR OTHER POSITIONS OF TRUST DURING THE PAST FIVE YEARS.

REDACTED

27. LIST ALL GIFTS EXCEEDING \$100 IN VALUE RECEIVED DURING THE PAST FIVE YEARS BY YOU, YOUR SPOUSE, OR YOUR DEPENDENTS. (NOTE: GIFTS RECEIVED FROM RELATIVES AND GIFTS GIVEN TO YOUR SPOUSE OR DEPENDENT NEED NOT BE INCLUDED UNLESS THE GIFT WAS GIVEN WITH YOUR KNOWLEDGE AND ACQUIESCENCE AND YOU HAD REASON TO BELIEVE THE GIFT WAS GIVEN BECAUSE OF YOUR OFFICIAL POSITION.)

Tickets for my spouse and I to attend the Intelligence and National Security Alliance (INSA) Baker Award dinner in 2019.

Tickets for my spouse and I to attend the United States Geospatial Intelligence Foundation (USGIF) GEOGala Dinner in 2017 and 2018.

28. LIST ALL SECURITIES, REAL PROPERTY, PARTNERSHIP INTERESTS, OR OTHER INVESTMENTS OR RECEIVABLES WITH A CURRENT MARKET VALUE (OR, IF MARKET VALUE IS NOT ASCERTAINABLE, ESTIMATED CURRENT FAIR VALUE) IN EXCESS OF \$1,000. (NOTE: THE INFORMATION PROVIDED IN RESPONSE TO SCHEDULE A OF THE DISCLOSURE FORMS OF THE OFFICE OF GOVERNMENT ETHICS MAY BE INCORPORATED BY REFERENCE, PROVIDED THAT CURRENT VALUATIONS ARE USED.)

<u>DESCRIPTION OF PROPERTY</u>	<u>VALUE</u>	<u>METHOD OF VALUATION</u>
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Please see my OGE-278, which was completed using current valuations.

29. LIST ALL LOANS OR OTHER INDEBTEDNESS (INCLUDING ANY CONTINGENT LIABILITIES) IN EXCESS OF \$10,000. EXCLUDE A MORTGAGE ON YOUR PERSONAL RESIDENCE UNLESS IT IS RENTED OUT, AND LOANS SECURED BY AUTOMOBILES, HOUSEHOLD FURNITURE, OR APPLIANCES. (NOTE: THE INFORMATION PROVIDED IN RESPONSE TO SCHEDULE C OF THE DISCLOSURE FORM OF THE OFFICE OF GOVERNMENT ETHICS MAY BE INCORPORATED BY REFERENCE, PROVIDED THAT CONTINGENT LIABILITIES ARE ALSO INCLUDED.)

<u>NATURE OF OBLIGATION</u>	<u>NAME OF OBLIGEE</u>	<u>AMOUNT</u>
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Please see my OGE-278, which included contingent liabilities.

30. ARE YOU OR YOUR SPOUSE NOW IN DEFAULT ON ANY LOAN, DEBT, OR OTHER FINANCIAL OBLIGATION? HAVE YOU OR YOUR SPOUSE BEEN IN DEFAULT ON ANY LOAN, DEBT, OR OTHER FINANCIAL OBLIGATION IN THE PAST TEN YEARS? HAVE YOU OR YOUR SPOUSE EVER BEEN REFUSED CREDIT OR HAD A LOAN APPLICATION DENIED? IF THE ANSWER TO ANY OF THESE QUESTIONS IS YES, PLEASE PROVIDE DETAILS.

No to all.

31. LIST THE SPECIFIC SOURCES AND AMOUNTS OF ALL INCOME RECEIVED DURING THE LAST FIVE YEARS, INCLUDING ALL SALARIES, FEES, DIVIDENDS, INTEREST, GIFTS, RENTS, ROYALTIES, PATENTS, HONORARIA, AND OTHER ITEMS EXCEEDING \$200. (COPIES OF U.S. INCOME TAX RETURNS FOR THESE YEARS MAY BE SUBSTITUTED HERE, BUT THEIR SUBMISSION IS NOT REQUIRED.)

REDACTED

32. IF ASKED, WILL YOU PROVIDE THE COMMITTEE WITH COPIES OF YOUR AND YOUR SPOUSE'S FEDERAL INCOME TAX RETURNS FOR THE PAST THREE YEARS?

Yes.

33. LIST ALL JURISDICTIONS IN WHICH YOU AND YOUR SPOUSE FILE ANNUAL INCOME TAX RETURNS.

Federal
Virginia

34. HAVE YOUR FEDERAL OR STATE TAX RETURNS BEEN THE SUBJECT OF AN AUDIT, INVESTIGATION, OR INQUIRY AT ANY TIME? IF SO, PLEASE PROVIDE DETAILS, INCLUDING THE RESULT OF ANY SUCH PROCEEDING.

No.

35. IF YOU ARE AN ATTORNEY, ACCOUNTANT, OR OTHER PROFESSIONAL, PLEASE LIST ALL CLIENTS AND CUSTOMERS WHOM YOU BILLED MORE THAN \$200 WORTH OF SERVICES DURING THE PAST FIVE YEARS. ALSO, LIST ALL JURISDICTIONS IN WHICH YOU ARE LICENSED TO PRACTICE.

I have been in government service and have not billed any clients during the past five years.

I am licensed to practice law in the District of Columbia (active), Colorado (inactive), and California (inactive).

36. DO YOU INTEND TO PLACE YOUR FINANCIAL HOLDINGS AND THOSE OF YOUR SPOUSE AND DEPENDENT MEMBERS OF YOUR IMMEDIATE HOUSEHOLD IN A BLIND TRUST? IF YES, PLEASE FURNISH DETAILS. IF NO, DESCRIBE OTHER ARRANGEMENTS FOR AVOIDING ANY POTENTIAL CONFLICTS OF INTEREST.

No. My financial holdings consist of diversified mutual funds, real property, cash, and cash equivalents.

As noted above in response to Question 19 and as reflected in my Ethics Agreement, if confirmed, I will divest my interest in the Fidelity Defense and Aerospace Portfolio Fund no later than 90 days after my confirmation.

I will continue to follow the advice of government ethics officials to address any conflict-of-interest issues that might arise.

37. IF APPLICABLE, LIST THE LAST THREE YEARS OF ANNUAL FINANCIAL DISCLOSURE REPORTS YOU HAVE BEEN REQUIRED TO FILE WITH YOUR AGENCY, DEPARTMENT, OR BRANCH OF GOVERNMENT. IF ASKED, WILL YOU PROVIDE A COPY OF THESE REPORTS?

I filed OGE Form 278 with the ODNI as a nominee in 2021. I filed OGE Form 278 with NGA in 2019, 2018, 2017, and plan to file my 2020 report before my extended deadline of July 1, 2021.

I also filed the NGA Security Financial Disclosure form in 2021, 2020, and 2019.

Yes, if asked, I will provide copies of these reports.

PART E - ETHICAL MATTERS

38. HAVE YOU EVER BEEN THE SUBJECT OF A DISCIPLINARY PROCEEDING OR CITED FOR A BREACH OF ETHICS OR UNPROFESSIONAL CONDUCT BY, OR BEEN THE SUBJECT OF A COMPLAINT TO, ANY COURT, ADMINISTRATIVE AGENCY, PROFESSIONAL ASSOCIATION, DISCIPLINARY COMMITTEE, OR OTHER PROFESSIONAL GROUP? IF SO, PLEASE PROVIDE DETAILS.

No.

39. HAVE YOU EVER BEEN INVESTIGATED, HELD, ARRESTED, OR CHARGED BY ANY FEDERAL, STATE, OR OTHER LAW ENFORCEMENT AUTHORITY FOR VIOLATION OF ANY FEDERAL, STATE, COUNTY, OR MUNICIPAL LAW, REGULATION, OR ORDINANCE, OTHER THAN A MINOR TRAFFIC OFFENSE, OR NAMED AS A DEFENDANT OR OTHERWISE IN ANY INDICTMENT OR INFORMATION RELATING TO SUCH VIOLATION? IF SO, PLEASE PROVIDE DETAILS.

No.

40. HAVE YOU EVER BEEN CONVICTED OF OR ENTERED A PLEA OF GUILTY OR NOLO CONTENDERE TO ANY CRIMINAL VIOLATION OTHER THAN A MINOR TRAFFIC OFFENSE? IF SO, PLEASE PROVIDE DETAILS.

No.

41. ARE YOU PRESENTLY OR HAVE YOU EVER BEEN A PARTY IN INTEREST IN ANY ADMINISTRATIVE AGENCY PROCEEDING OR CIVIL LITIGATION? IF SO, PLEASE PROVIDE DETAILS.

No.

42. HAVE YOU BEEN INTERVIEWED OR ASKED TO SUPPLY ANY INFORMATION AS A WITNESS OR OTHERWISE IN CONNECTION WITH ANY CONGRESSIONAL INVESTIGATION, FEDERAL, OR STATE AGENCY PROCEEDING, GRAND JURY INVESTIGATION, OR CRIMINAL OR CIVIL LITIGATION IN THE PAST TEN YEARS? IF SO, PLEASE PROVIDE DETAILS.

As I recall, in 2015, I was interviewed by the NGA Office of Inspector General as a witness regarding an investigation about alleged misuse of government funds. Another attorney in the NGA Office of General Counsel had provided legal advice about the matter. I believe those allegations were not substantiated.

As I recall, in 2018 and 2019, I provided witness statements to the NGA Office of Equal Employment Opportunity related to that office's review of allegations of discrimination or unequal treatment during the NGA promotion process. In my role as NGA General Counsel, I had provided legal advice concerning the NGA promotion process, but I was not a voting member of the promotion panel at issue or the subject of the allegations. I believe the claims were not substantiated.

43. HAS ANY BUSINESS OF WHICH YOU ARE OR WERE AN OFFICER, DIRECTOR, OR PARTNER BEEN A PARTY TO ANY ADMINISTRATIVE AGENCY PROCEEDING OR CRIMINAL OR CIVIL LITIGATION RELEVANT TO THE POSITION TO WHICH YOU HAVE BEEN NOMINATED? IF SO, PLEASE PROVIDE DETAILS. (WITH RESPECT TO A BUSINESS OF WHICH YOU ARE OR WERE AN OFFICER, YOU NEED ONLY CONSIDER PROCEEDINGS AND LITIGATION THAT OCCURRED WHILE YOU WERE AN OFFICER OF THAT BUSINESS.)

No.

44. HAVE YOU EVER BEEN THE SUBJECT OF ANY INSPECTOR GENERAL INVESTIGATION? IF SO, PLEASE PROVIDE DETAILS.

No.

PART F - SECURITY INFORMATION

45. HAVE YOU EVER BEEN DENIED ANY SECURITY CLEARANCE OR ACCESS TO CLASSIFIED INFORMATION FOR ANY REASON? IF YES, PLEASE EXPLAIN IN DETAIL.

No.

46. HAVE YOU BEEN REQUIRED TO TAKE A POLYGRAPH EXAMINATION FOR ANY SECURITY CLEARANCE OR ACCESS TO CLASSIFIED INFORMATION? IF YES, PLEASE EXPLAIN.

Yes. I have been required to take polygraph examinations as part of the routine security clearance background investigations and reinvestigations.

47. HAVE YOU EVER REFUSED TO SUBMIT TO A POLYGRAPH EXAMINATION? IF YES, PLEASE EXPLAIN.

No.

PART G - ADDITIONAL INFORMATION

48. DESCRIBE IN YOUR OWN WORDS THE CONCEPT OF CONGRESSIONAL OVERSIGHT OF U.S. INTELLIGENCE ACTIVITIES. IN PARTICULAR, CHARACTERIZE WHAT YOU BELIEVE TO BE THE OBLIGATIONS OF THE INSPECTOR GENERAL OF THE INTELLIGENCE COMMUNITY AND THE INTELLIGENCE COMMITTEES OF THE CONGRESS, RESPECTIVELY, IN THE OVERSIGHT PROCESS.

Congressional oversight helps ensure that intelligence activities are conducted in compliance with the Constitution and law, and are in keeping with our basic values. Congressional oversight by the intelligence committees plays a critical role for the American people because intelligence activities by their nature often must be undertaken in secret.

The IC IG helps enable Congressional oversight by keeping the intelligence committees fully and currently informed of significant problems and deficiencies relating to programs and activities within the responsibility and authority of the DNI, and the necessity for, and progress of, corrective actions. In addition, the IC IG's enacting statute lists specific matters that obligate the IC IG to immediately notify and report to the congressional intelligence committees.

Congress and IGs have a complementary oversight role and shared responsibility to help promote good and accountable government, ensure an efficient and effective IC, and be the eyes and ears for the American people because full transparency is not possible. By doing so, Congress and IGs help foster trust and confidence in the IC.

During my time as Acting Inspector General of the Intelligence Community, I believe I have demonstrated my understanding of the importance of congressional oversight by actively engaging with the intelligence oversight committees on multiple occasions.

49. EXPLAIN YOUR UNDERSTANDING OF THE RESPONSIBILITIES OF THE INSPECTOR GENERAL OF THE INTELLIGENCE COMMUNITY.

The Inspector General of the Intelligence Community takes a solemn Constitutional oath to support and defend the Constitution of the United States against all enemies, foreign and domestic, and to bear true faith and allegiance to the Constitution. In accordance with this oath, the person in this position must have an unwavering commitment to independent and objective oversight in order to strengthen the IC in service to the Nation.

The specific duties, responsibilities, and authorities of the IC IG are found in the Intelligence Authorization Act for FY 2010 [50 U.S.C. § 3033] and the Inspector General Act of 1978, as amended. The mission of the IC IG is to promote economy, efficiency, and effectiveness and to prevent and detect fraud, waste, and abuse in the programs and activities within the DNI's responsibility and authority. The IC IG independently conducts audits, inspections, investigations, and reviews of programs or activities within the DNI's responsibility and authority, and issues reports that frequently contain recommendations for corrective actions. The IC IG also tracks the implementation of those corrective actions. The IC IG is authorized to receive and investigate complaints or information from whistleblowers, and to conduct independent reviews of IC whistleblower reprisal claims.

The IC IG keeps the DNI and Congress appropriately informed regarding problems and deficiencies relating to programs or activities within the DNI's responsibility and authority.

The IC IG also serves as the Chair of the IC IG Forum. The Forum members consist of the statutory and administrative IGs with oversight responsibility for an IC element. The Forum provides a venue for coordination and collaboration regarding matters of common interest, questions of jurisdiction, and access to personnel and information that may affect more than one Office of the Inspector General.

The IC IG also has specific authorities related to personnel and budget in order to help ensure adequate resourcing and appropriate independence.

AFFIRMATION

I, **THOMAS A. MONHEIM**, DO SWEAR THAT THE ANSWERS I HAVE PROVIDED TO THIS QUESTIONNAIRE ARE ACCURATE AND COMPLETE.

May 17, 2021
(Date)

SIGNATURE OF THOMAS MONHEIM

SIGNATURE OF NOTARY

TO THE CHAIRMAN, SELECT COMMITTEE ON INTELLIGENCE:

In connection with my nomination to be the Inspector General of the Intelligence Community, I hereby express my willingness to respond to requests to appear and testify before any duly constituted committee of the Senate.

SIGNATURE OF THOMAS MONHEIM

Date: May 17, 2021

SIGNATURE OF NOTARY

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**SELECT COMMITTEE ON
INTELLIGENCE**

UNITED STATES SENATE



**Additional Pre-Hearing Questions for
Mr. Thomas Monheim upon his nomination to be
Inspector General of the Intelligence Community**

In these questions, all references to the statutory authorities relating to the Inspector General of the Intelligence Community (IC IG) are to Section 103H of the National Security Act of 1947 (50 U.S.C. § 3033), as amended by Section 405 of the Intelligence Authorization Act for Fiscal Year 2010 (Public Law 111-259).

Qualifications

QUESTION 1: Section 103H(c) provides that the nomination of an individual for appointment as Inspector General shall be made on the basis of qualifications that include "prior experience in the field of intelligence or national security," and "demonstrated ability in accounting, financial analysis, law, management analysis, public administration, or investigations." What qualifies you to perform the duties of the IC IG generally with respect to the oversight of intelligence programs and activities and, specifically, with regard to audit and investigation tools?

I am qualified to perform the duties of the Inspector General of the Intelligence Community based on my more than 30 years of public service experience, which includes more than one year as Acting Inspector General (IG) and 12 years in various senior legal positions within the Intelligence Community (IC).

During my time as Acting IG, the Office of the Inspector General of the Intelligence Community (IC IG) independently conducted audits, investigations, inspections, and reviews of programs and activities within the Director of National Intelligence's (DNI) responsibility and authority. We managed the hotline and whistleblower programs. I led the IC IG Forum (consisting of the Inspectors General with oversight responsibility for an IC element) and worked closely with the Council of the Inspectors General on Integrity and Efficiency (CIGIE). I kept the DNI and Congress fully and currently informed. This opportunity provided significant first-hand experience leading an IG office responsible for the independent, effective oversight of intelligence programs and activities utilizing a variety of tools, including audits and investigations.

During my time as General Counsel and Deputy General Counsel of the National Geospatial-Intelligence Agency (NGA), I ensured the agency accomplished its missions consistent with law; oversaw the agency's intelligence oversight program and ethics program; and worked closely with the NGA Inspector General and Counsel to the IG. While serving as Deputy General Counsel at the Office of the Director of National Intelligence (ODNI) and Senior Legal Advisor at the National Counterterrorism Center (NCTC), I developed a deeper understanding of ODNI and NCTC authorities, and gained a greater appreciation of the importance of independent, effective oversight of intelligence programs and activities to ensure public trust that the IC is carrying out its mission consistent with the rule of law and our core values.

Before joining the IC, I worked closely with the IC in various positions, including as Associate Deputy Attorney General at the Department of Justice, as Associate Counsel to the President, and as the Legal Advisor for a Joint Special Operations Task Force.

I believe these experiences and my character make me well qualified for this position.

Duties

QUESTION 2: Section 103(H)(b)(1) provides that the purpose of the IC IG is "to create an objective and effective office, appropriately accountable to Congress, to initiate and conduct independent investigations, inspections, audits, and reviews on programs and activities within the responsibility and authority of the Director of National Intelligence."

- a. Please describe your standards for "an objective and effective office" and how, if confirmed, you intend to establish an office that maintains those standards.**

My standards for an objective and effective office require that all IC IG personnel adhere to the highest ethical principles and exemplify the IC IG core values of Integrity, Independence, Transparency, Accountability, and Diversity.

If confirmed, I would (as I did when I was the Acting IG) focus on recruiting, developing, and retaining individuals with the requisite skills, experience, and character. I would clearly communicate expectations that all IC IG personnel should comply with CIGIE *Quality Standards* and other applicable standards, laws, and policies. I would also ensure appropriate internal controls, policies, and procedures are in place. I would remain vigilant against biases, pressures, conflicts of interest, or other potential impairments to integrity or independence. I would foster a culture of accountability and address any issues as they arise. And as I did throughout my legal career, I would diligently follow the facts and faithfully apply the law to reach sound judgments, regardless of the potential professional or political consequences.

- b. If confirmed, how do you expect to fulfill the statutory obligation to be "appropriately accountable to Congress"?**

If confirmed, I would expect to fulfill the statutory obligation to be "appropriately accountable to Congress," as I did when I was the Acting IG.

I would regularly engage with the intelligence oversight committees. I would comply with all legal requirements, such as submitting Semiannual Reports, responding to Congressionally Directed Actions, notifying Congress of "urgent concerns," and making other congressional notifications. I would also exercise my discretion to provide additional information that I believe would be appropriate to help Congress perform its vital oversight function, even if not required by law.

- c. What is your understanding of the scope of the term "programs and activities within the responsibility and authority of the Director of National Intelligence"?**

I understand the term "programs and activities within the responsibility and authority of the Director of National Intelligence" to broadly refer to the programs and activities that are funded by the National Intelligence Program (NIP) budget or that are carried out by IC elements.

My understanding derives from the Intelligence Reform and Terrorism Prevention Act of 2004 (IRTPA), which established the DNI, and Section 103H(b)(1) and the other provisions of Section 103(H) that established IC IG. IRTPA provides that the principal responsibilities of the DNI are to: serve as the head of the IC; be the principal advisor to the President, to the National Security Council and to the Homeland Security Council for intelligence matters related to the national security; and oversee and direct the implementation of the NIP, consistent with IRTPA Section 1018. Accordingly, I understand Section 103H(b)(1) to specify that the scope of the IC IG's oversight authority reaches all of the programs and activities that are within the DNI's purview.

QUESTION 3: If confirmed, what standards and procedures would you apply to ensure the appropriate timeliness and responsiveness of the IC IG's completion of inspections, audits, reviews, and investigations?

As noted above in response to Question 2.a, I believe that IC IG personnel should comply with all CIGIE standards and applicable laws and policies, including those related to timeliness and responsiveness.

As the Acting IG, I led the IC IG team's effort to update the IC IG Strategic Plan. We developed three strategic goals, one of them being: "Conduct high-quality and timely audits, inspections, investigations, reviews, and other activities to improve the integration, economy, and efficiencies of the Office of the Director of National Intelligence and the broader Intelligence Community." We started developing specific objectives and initiatives to help accomplish this goal. We also analyzed the office's strengths, weaknesses, opportunities, and threats, which (among other things) identified a need to update some of IC IG's policies, procedures, and processes. Timeliness must also, of course, be balanced against the need for thoroughness and accuracy. I look forward to continuing these important efforts with the IC IG team, if confirmed.

Protection of Whistleblowers

Section 103H(g)(3)(B) provides that "no action constituting a reprisal, or threat of reprisal, for making such complaint or disclosing such information to the Inspector General may be taken by any employee in a position to take such actions, unless the complaint was made or the information was disclosed with the knowledge that it was false or with willful disregard for its truth or falsity."

QUESTION 4: What is your understanding of the formal policies and processes in place to inform employees of their right to provide information to the IC IG, and to detect and protect against reprisal for making complaints or disclosing information to the IC IG?

There are several policies and processes in place to inform IC employees of their right to provide information to the IC IG, including: Presidential Policy Directive (PPD)-19, "Protecting Whistleblowers with Access to Classified Information;" Intelligence

Community Directive (ICD) 120, “Intelligence Community Whistleblower Protections;” and ODNI Instruction 20.04, “Whistleblower Protections and Review of Allegations of Reprisal Against Whistleblowers.”

As the Acting IG, I issued a message for the IC whistleblower website explaining the importance of whistleblowing and the rights and protections for whistleblowers. I also collaborated with DNI Haines on a similar message from the DNI, which was posted on the IC whistleblower website and emailed to all ODNI employees. The IC IG team provides employees with additional information about whistleblowing via new employee orientation, annual web-based training, websites (on the classified and unclassified systems), and periodic outreach events. The IC IG team also investigates allegations of reprisal and reviews whistleblower reprisal appeals through External Review Panels (ERPs).

QUESTION 5: If confirmed, what additional policies and processes will you establish to ensure compliance with this provision, and any related provisions that are applicable to elements of the IC, such as the provisions of the IC Whistleblower Protection Act?

As Acting IG, I issued IC IG Instruction 2020.001, “External Review Panel Procedures Pursuant to 50 USC 3236 and PPD-19,” in December 2020, to reflect changes in the law since 2013 (when the prior IC IG guidance was issued) and to provide additional transparency regarding the submission, assessment, and processing of ERP requests. The IC IG is committed to fairly reviewing and investigating all whistleblower reprisal allegations within ODNI and reviewing all whistleblower requests for ERPs.

In response to a Congressionally Directed Action, the IC IG also provided to the intelligence oversight committees and the DNI a “Report on Intelligence Community Whistleblower Matters & Harmonization of Processes and Procedures” in March 2021. That report made several recommendations that we believe would help clarify and improve whistleblower protections.

QUESTION 6: Please describe your view of the IC IG’s role with regard to whistleblowers. Please address each of the following and provide specifics on actions you would take to improve performance, if confirmed as the IC IG.

The IC IG has various crucial roles to perform regarding whistleblowers, including those specified in law and policy. *See, e.g.*, Section 103H(k)(5); PPD-19, ICD-120, ODNI Instruction 20.04; IC IG Instruction 2020.001. The IC IG is responsible for maintaining a robust whistleblower program that allows whistleblowers a safe and appropriate way to disclose relevant information without fear of reprisal, while also protecting classified information as appropriate. I will elaborate on the specific areas requested by the Committee below.

a. Outreach and training across ODNI and the IC enterprise with regard to whistleblower rights and access to whistleblower protections;

Outreach and training is an important component of any whistleblowing program. As noted above in response to Question 4, the IC IG team provides employees with information about whistleblowing via IG messages, new employee orientation, annual web-based training, websites (on the classified and unclassified systems), and periodic outreach events.

If confirmed, I would ensure such efforts continue and would also consider other potential areas for improvement, as I did when I was the Acting IG.

b. Timely and thorough investigations of whistleblower complaints.

The IC IG team is committed to timely and thorough investigations of whistleblower complaints which, among other things, can help expeditiously stop or correct serious problems. The IC IG Hotline Program Manager continued working throughout the pandemic to receive, process, and refer whistleblower complaints for investigation.

The IC IG has worked diligently to recruit, develop, and retain a high-quality workforce and to increase our staffing levels within all divisions, including in the Investigations division. The relatively recent addition of a new Assistant Inspector General (AIG) for Investigation and the pending addition of several other investigators will better enable IC IG to devote more resources to investigating whistleblower complaints and allegations of whistleblower reprisal, including joint investigations with our partners as appropriate.

If confirmed, I would ensure such efforts continue and would also consider other potential areas for improvement, as I did when I was the Acting IG.

c. Management of whistleblower caseloads within the IC IG.

As reported in IC IG's semiannual and quarterly reports, the number of IC IG Hotline contacts continues to rise. Over the past two years, the IC IG has hired additional Hotline analysts and added contractor personnel to assist in processing these complaints.

Additionally, while I was the Acting IG, I added another Hotline Analyst position to the Center for Protected Disclosures (CPD) division and added a Data Scientist position to the Mission Support division to help support CPD (and other divisions). I also established an Intake Action Committee (comprised of the Director of CPD, Counsel to the IG, and AIG for Investigations) to review complaints in a timely and collaborative manner in order to better and more effectively manage the caseload. The IC IG has also seen an increase in the number of requests for ERPs, as well as the complexity of many of those requests. Accordingly, the office is in the process of hiring an ERP Program Manager.

If confirmed, I would ensure such efforts continue and would also consider other potential areas for improvement, as I did when I was the Acting IG.

d. Notification to Congress regarding whistleblower complaints and acts of reprisal.

While serving as the Acting IG, I took very seriously my duty to keep Congress fully and currently informed. I notified Congress regarding whistleblower (and other) matters whenever required by law or when I exercised my discretion to make other appropriate notifications even if not required by law. Under my leadership, the IC IG also provided additional details to the intelligence oversight committees about how IC IG was handling alleged “urgent concern” matters in light of the September 2019 opinion by the Department of Justice Office of Legal Counsel. If confirmed, I would continue to operate in the spirit of transparency and accountability to keep Congress appropriately informed, as I did when I was the Acting IG.

QUESTION 7: Do you see any need for additional actions, policies, or processes to protect whistleblowers?

Yes, I believe some changes to the whistleblowing authorities are needed. As noted above in response to Question 5, the IC IG’s “Report on Intelligence Community Whistleblower Matters & Harmonization of Processes and Procedures” made several recommendations that we believe would further clarify and improve whistleblower protections. I understand that based on the report, the Committee may consider potential legislative changes.

During my time as Acting IG, I also proposed that IC IG receive testimonial subpoena authority. This new authority could assist with investigations of whistleblower reprisal matters.

As described in my response to Question 6, if confirmed, I will continue to assess IC IG processes and address resource needs to support and strengthen the IC IG’s ability to protect whistleblowers.

QUESTION 8: What is your view of the role of the IC IG in managing and investigating whistleblower complaints made by employees of ODNI? What is your view of the role of the IC IG with regard to complaints made by IC employees outside ODNI?

I believe the IC IG has the statutory authority to receive complaints “from an employee of the Intelligence Community” (whether or not in ODNI) regarding activities within the authorities and responsibilities of the DNI. *See* Section 103H(g)(3).

The IC IG endeavors to investigate allegations of wrongdoing reported by ODNI employees. While traditionally most of this work has been in response to information received through the IC IG Hotline, the IC IG team is working to be more proactive in identifying trends and potential problems within the programs and offices of the ODNI.

The IC IG also works collaboratively with partners in the IC when receiving complaints made by IC employees outside ODNI in order to address any potential areas of overlapping jurisdiction and consider joint investigations when appropriate. The

reporting system envisioned and directed by Congress under the Fiscal Year 2020 Intelligence Authorization Act (IAA) Section 5334 should better enable the IC IG to more easily identify trends across the IC for the benefit of all involved.

QUESTION 9: What role do you believe the IC IG has in setting investigative standards and ensuring consistency in whistleblower investigations across the Intelligence Community?

I believe the IC IG can add value by enhancing efficiency and effectiveness of Offices of Inspectors General (OIGs) within the IC, while respecting the roles and responsibilities of those independent offices, and following applicable standards, such as CIGIE's *Quality Standards for Investigations*.

For example, as noted above in response to Question 5, I issued IC IG Instruction 2020.001, "External Review Panel Procedures Pursuant to 50 USC 3236 and PPD-19," which helps set standards for review of whistleblower reprisal appeals. CPD is also collaborating with other OIGs to cross-level efforts with respect to whistleblower matters, discussing review standards, and providing general information and guidance respecting reviews of ERP requests pursuant to PPD-19. The IC IG Forum also provides a venue for information sharing, collaboration, and training on matters of mutual interest, such as whistleblowing.

QUESTION 10: To proactively protect IC employees and contractors from potential retaliation, do you support providing IC employees with the same stay authority that is afforded almost every other federal employee?

During my time as Acting IG, there was no matter that would have been subject to a stay if the authority existed. I have not had the opportunity to carefully consider whether IC employees should be afforded the same stay authority afforded to non-IC employees. If confirmed, I would discuss this issue with the IC IG Forum members and CIGIE to better understand their views and the effectiveness of protections currently in place.

QUESTION 11: Do you believe the Whistleblowing and Source Protection Office should be established by statute within the Office of the Inspector General of the Intelligence Community?

Although there was no longer a Whistleblowing and Source Protection Office at IC IG when I was appointed as Acting IG, the CPD has substantially similar responsibilities.

Given the vital importance of this function, I would support formally establishing CPD in law within the IC IG. I do not, however, believe that doing so is necessary for its effective operation, as evidenced by the accomplishments and effectiveness of CPD despite not having such legislation.

Whether or not a specific whistleblower office is established in law, if confirmed, I would remain committed to receiving protected disclosures and protecting whistleblowers, as I did when I was the Acting IG.

QUESTION 12: To your knowledge, have you ever been the subject of a whistleblower complaint? If yes, please provide dates and a brief summary of each complaint of which you are aware?

No, not to my knowledge.

QUESTION 13: What are your views on the extension of IC whistleblower protections to contractors?

I support the extension of IC whistleblower protections to contractors. The majority of protections have been extended to contractors by legislation enacted over the last 5 years. There are some remaining gaps, which were discussed in the aforementioned IC IG "Report on Intelligence Community Whistleblower Matters & Harmonization of Processes and Procedures." The recommendations made in that report would extend the remaining protections and harmonize the authorities for cadre and contractor employees.

Access to Information

Pursuant to Sections 103H(g)(2)(B) and (C), "[t]he Inspector General shall have access to any employee, or any employee of a contractor, of any element of the intelligence community needed for the performance of the duties of the Inspector General" as well as "direct access to all records, reports, audits, reviews, documents, papers, recommendations, or other materials that relate to the programs and activities[.]"

QUESTION 14: Please describe how, if confirmed, you would address a situation where an agency, U.S. official, or a government contractor refused to provide such access, including what remedies you would pursue in addition to those described in Section 103H(g)(2)(E).

As I understand Sections 103H(g)(2)(B) and (C), the IC IG is entitled to access any IC element employee or contractor "needed for the performance of the duties of the Inspector General" and to access all materials "that relate to the programs and activities with respect to which the Inspector General has responsibilities."

Given the clarity of these statutory authorities and the importance of access to the IC IG's ability to carry out its important mission, I would consider several steps in response to a situation in which such access was refused, with the goal of resolving the issue at the lowest possible level. First, I would attempt to understand the basis for the refusal and, in collaboration with the ODNI General Counsel, explain the IC IG's statutory right of access. If such efforts were unsuccessful, I next would elevate the matter to the appropriate component or agency head. If access continued to be refused, I would elevate the matter to the DNI and potentially seek appropriate administrative remedies against those who refused to cooperate with the IC IG. If a contractor refused to provide

access, I would notify the appropriate government contracting officer. If the matter remained at an impasse despite all of these efforts, I would consider whether one or more provisions in Section 103H(k) require me to report the matter to the intelligence oversight committees. I would also consider whether a subpoena is appropriate, in accordance with Section 103H(g)(5)(A).

While I was the Acting IG, I encountered a few situations where someone raised questions about IC IG access to information, but was able to successfully resolve them at the first step without needing to proceed to subsequent steps. If confirmed, I would continue to follow the same approach.

QUESTION 15: Section 103H(g)(5) provides authority for the authorization and enforcement of subpoenas for the production of information that is necessary in the performance of the duties and responsibilities of the Inspector General. What is your view of the appropriate use of this subpoena authority?

I understand Section 103H(g)(5) to generally authorize the IC IG to issue document subpoenas to non-federal entities and individuals, and to authorize the enforcement of such subpoenas in an appropriate federal court.

Based on my prior experience in the military (as a prosecutor, defense counsel, and judge), at the Department of Justice, and in the IC, I believe subpoenas should be used sparingly because information can often be obtained by other means and subpoenas require additional resources to issue, execute, and enforce. Subpoenas can, however, be a valuable and, at times, necessary tool to obtain relevant information. They may be necessary, for example, when individuals, such as former employees or contractors, are no longer required by statute to comply with an IC IG document request.

Sources of Complaints

QUESTION 16: Pursuant to Section 103H(g)(3), "[t]he Inspector General is authorized to receive and investigate ... complaints or information from any person concerning the existence of an activity within the authorities and responsibilities of the Director of National Intelligence constituting a violation of laws, rules, or regulations, or mismanagement, gross waste of funds, abuse of authority, or a substantial and specific danger to the public health and safety."

If confirmed, what steps would you take to inform individuals, within or outside of the U.S. Government, including contractors, of their opportunity to provide such complaints or information to the IC IG?

As noted above in response to Question 4, the IC IG team provides the ODNI workforce with information about whistleblowing via new employee orientation, annual web-based training, websites (on the classified and unclassified systems), and periodic outreach events. The IC IG team also provides information to the public via the unclassified

website and publicly-posted Semiannual Reports. Whistleblowers can contact IC IG via various means, including classified and unclassified websites, e-mail, telephone, fax, and drop boxes in ODNI facilities.

If confirmed, I will consider other potential areas for improvement, as I did when serving as the Acting IG.

Relationship to Other Inspectors General

Section 103H has several provisions on the relationship of the IC IG to other inspectors general with responsibilities in or for elements of the IC, including Sections 103H(h)(1)(A), 103H(j)(4)(C), and 103H(l). To facilitate resolution of questions between or among inspectors general, Section 103H(h)(2) establishes in statute the Intelligence Community Inspectors General Forum, for which the IC IG is to serve as chair.

QUESTION 17: What is your understanding of these provisions on potentially overlapping responsibilities of inspectors general? In answering, please describe your priorities, if confirmed, for the work of the Office of the IC IG in relation to the work of other Inspectors General with responsibilities concerning intelligence programs and activities.

I understand that if a matter may be within the jurisdiction of the IC IG and another IG with oversight responsibility for an element of the IC, the IC IG and other IG shall expeditiously resolve the question of which IG should handle the matter. The IGs can enlist the assistance of the IC IG Forum, and if the matter still cannot be resolved, the matter should be submitted to the DNI and the head of the affected IC element for resolution. *See* Section 103H(h).

While serving as the Acting IG, I encountered questions of potentially overlapping jurisdiction with various OIGs on multiple occasions. Each time, I coordinated closely and collaboratively with the appropriate IG to expeditiously resolve the jurisdictional issue and identify an appropriate path forward. We did not need to enlist the assistance of the broader IC IG Forum or refer any matters to the DNI and head of the affected IC element. If confirmed, I will continue to utilize this collaborative approach.

QUESTION 18: Please describe your understanding of the IC IG's leadership role vis-a-vis other Intelligence Community Inspectors General? How will you engage this leadership role?

As noted above in response to Question 17, I understand Section 103H(h)(2) to demonstrate Congressional intent that the IC IG lead the IC IG Forum, without having any "administrative authority" over any other IG.

My approximately 10 years of experience participating in the IC General Counsels Forum while at ODNI and NGA gave me different perspectives and deeper appreciation of how ODNI can embrace the responsibility of leading the IC in a collaborative way while also respecting the roles, responsibilities, and authorities of the individual IC elements. I also

witnessed numerous examples of how the ODNI can add value on matters of common interest and help integrate the Community.

While serving as the Acting IG, I fostered a similarly collaborative approach among IC IG Forum members regarding myriad matters to include, for example: responses to the COVID-19 pandemic; diversity, equity, and inclusion efforts; and engaging with Congress and the Government Accountability Office (GAO).

If confirmed, I will continue this collaborative approach to leading the IC IG Forum.

QUESTION 19: Please describe your goals, if confirmed, concerning the work of the IC IG General Forum and any measures you would recommend to improve its functions, if warranted.

I believe the IC IG Forum and its various Committees (Deputies, Counsels, Audits, Inspections and Evaluations, Investigations, Hotline, and Whistleblowing) are working relatively well, and I have also received positive feedback from other Forum members to that effect.

Although the Forum was resilient and accomplished many things while communicating virtually during the pandemic, I believe periodic in-person meetings would further foster relationships, promote even greater collaboration, and enhance Forum functions. I also believe the Forum Deputies Committee should continue updating the Forum governance documents.

If confirmed, I will continue to look for additional opportunities to enhance collaboration, coordination, and communication among Forum members to maximize the value of this important venue, as I did when I was the Acting IG.

QUESTION 20: Section 103H(j)(4)(C) provides that "[t]he Inspector General of the Intelligence Community may, upon reasonable notice to the head of any element of the intelligence community and in coordination with that element's inspector general ... conduct, as authorized by this section, an investigation, inspection, audit, or review of such element[.]" What is your understanding of this provision, particularly pertaining to the "coordination with that element's inspector general"?

As indicated in my response to Question 2.c, I understand Section 103H(b)(1) to grant the IC IG the statutory authority to "initiate and conduct independent investigations, inspections, audits, and reviews" concerning the funding, administration, or operation of any program or activity that is funded by the NIP budget or that is carried out by an IC element. I understand Section 103H(j)(4)(c) to be consistent with the IC IG's broad statutory jurisdiction, while also recognizing the need to properly notify the affected element and coordinate with the impacted element's OIG. In addition, I understand such notification and coordination to be consistent with Congressional intent, as reflected in Section 103H(h)(1)(A), that the IC IG play a leadership role to foster coordination,

collaboration, and deconfliction in order to “avoid unnecessary duplication of the activities of the inspectors general.”

Independence

QUESTION 21: Section 103H(c)(3) provides that “[t]he Inspector General shall report directly to and be under the general supervision of the Director of National Intelligence.” Please describe your understanding of both elements of this provision: “report directly to;” and “under the general supervision of the Director of National Intelligence.”

I understand Section 103H(c)(3)’s requirement that the IC IG “report directly” to the DNI to provide the IC IG with direct and prompt access to the DNI, whenever necessary, to complete the duties and responsibilities of the IC IG, and to ensure that the DNI is kept fully and currently informed regarding problems and deficiencies identified by the IC IG.

I further understand Section 103H(c)(3)’s requirement that the IC IG be “under the general supervision” of the DNI to state the organizational relationship between the IC IG and the ODNI consistent with other applicable provisions of Section 103H, as also noted in response to Question 2.c and Question 14. While I understand there is no statutory definition of “general supervision,” CIGIE published a July 14, 2014, paper on Inspector General Authorities explaining that courts have analyzed “general supervision” with respect to its usage in the Inspector General Act of 1978. CIGIE noted one particular case, *United States Nuclear Regulatory Commission v. Federal Labor Relations Authority*, 25 F.3d 229, 235 (4th Cir. 1994), where the court reviewed the “general supervision” language and described the agency head’s supervisory authority over the IG as “nominal.” Therefore, I do not believe the “general supervision” provision authorizes the DNI to direct that the IC IG initiate, carry out, or complete, or to dictate the outcome of, a particular investigation, audit, review, or other inspector general activity.

These understandings are also consistent with my experience as the Acting IG working with two DNIs and one Acting DNI.

QUESTION 22: Section 103H(k)(3) provides that in the event that the IC IG is unable to resolve any differences with the DNI affecting execution of IC IG’s duties or responsibilities, the IC IG shall immediately notify and submit a report to the congressional intelligence committees. If confirmed, in addition to this reporting responsibility, please describe what actions you would you take if a senior official of the IC sought to prevent you from “initiating, carrying out, or completing” any audit or investigation within the jurisdiction of the Office of the ICIG.

During my time as the Acting IG, I never encountered a situation where a senior official of the IC sought to prevent the IC IG from “initiating, carrying out, or completing” any audit or investigation within the IC IG’s jurisdiction.

However, if confirmed and such a situation arose, I would consider taking a series of steps similar to those outlined in response to Question 14 in an effort to resolve the matter at the lowest possible level. First, I would attempt to discuss, understand, and resolve the concern at the component level, in collaboration with the ODNI General Counsel. Second, if unable to resolve the issue at the component level, I would engage with the DNI or the appropriate agency head and IC IG Forum member from the relevant IC element. I would seek to ensure that they understood the IC IG's statutory responsibility and authority to "make such investigations and reports relating to the administration of the programs and activities within the authorities and responsibilities of the Director as are, in the judgment of the Inspector General, necessary or desirable."

Except for the DNI's authority under Section 103H(f) to limit or prohibit IC IG activities in the interest of national security, however, I understand Section 103H to authorize the IC IG to independently identify and pursue investigations, audits, and reviews as are, in the judgment of the IC IG, necessary or desirable.

QUESTION 23: What is your view on the importance of independent hiring authority and contracting authority to ensure the independence of the IC IG?

Because independence is of paramount importance to an effective OIG, it is crucial that the IC IG has independent hiring authority under Sections 103H(d), (i), and (j). These provisions authorize the IC IG, subject to applicable law and the policies of the DNI, to hire AIGs, a Counsel to the IG, and other personnel, and to enter into contracts necessary to carry out the IC IG's mission.

I experienced first-hand as Acting IG that, although the IC IG relies on ODNI Human Resources to carry out the hiring process, and the Contracting Office to carry out contracting actions, the IG has independent authority to make staffing and contracting decisions for the IC IG. I also understand that such reliance on local agency mechanisms is common practice among the other IC OIGs. However, if confirmed as the IG, I will work with the IC IG's AIG for Mission Support and ODNI to further discuss the current construct and determine if having a fully separate hiring apparatus is necessary and desirable.

Inspector General Work Plan

Section 103H(g)(2)(A) provides that the IC IG shall make such investigations and reports relating to the administration of programs and activities within the DNI's authorities and responsibilities as are "in the judgment of the Inspector General, necessary, or desirable." This requirement is subject to certain limitations in Section 103H(f), which provides that, subject to congressional notification, the DNI may prohibit the IC IG from carrying out, or completing any investigation, inspection, audit, or review that "is necessary to protect vital national security interests of the United States."

QUESTION 24: Please describe your understanding of these provisions.

As noted above in response to Questions 22, I understand Section 103H(g)(2)(A) to authorize the IC IG to independently identify and pursue investigations, audits, and reviews, based on the IG's judgment of what is necessary or desirable. I understand Section 103H(f) provides a limitation on the IG's authority to exercise independent judgment to pursue a particular investigation, audit, or review in the circumstance in which the DNI determines it is necessary to prohibit a particular IC IG activity in the interest of national security. In such a circumstance, I understand Section 103H(f) to require the DNI to submit to the congressional intelligence committees within seven days a statement of reasons for exercising the authority to prohibit a particular IC IG activity, and the DNI must also allow the IC IG to comment on any such submission. I do not believe the statute authorizes any official other than the DNI to make such a determination.

QUESTION 25: If confirmed, how will you determine the investigations and reports that are "necessary or desirable" to complete each year?

As the Acting IG, I led the development and publication of the IC IG's Annual Work Plan for Fiscal Year 2021. In developing the Work Plan, I prioritized the IC IG's activities based on several factors, including but not limited to, those matters required by law, Office of Management and Budget (OMB) required reviews, and the availability of resources to conduct additional discretionary projects. To identify potential discretionary projects, the IC IG leadership team and I reviewed the previous IC IG Annual Work Plan; engaged ODNI to solicit input regarding management challenges and how IC IG might be able promote economy, efficiency, and effectiveness; considered what value we could provide, what problems we could address, or risks we could help mitigate; and engaged the congressional intelligence committees and GAO to understand their priorities and planned activities. The IC IG also responded to complaints about alleged fraud, waste, and abuse and conducted investigations as deemed appropriate. I found this approach to be effective and, if confirmed, would continue using a similar approach.

QUESTION 26: If confirmed, would you make it a practice to keep the congressional intelligence committees fully informed of these activities?

Yes. As indicated in response to Question 2.b, I believe the IC IG should be "appropriately accountable to Congress" and, as indicated in response to Question 25, I engaged the congressional intelligence committees prior to selecting the final projects for the Fiscal Year 2021 Annual Work Plan. I ensured that the IC IG provided the Annual Work Plan to the committees, and also posted the unclassified version on the IC IG public website, in the spirit of transparency. If confirmed, I intend to continue those practices.

Referrals to the Department of Justice

QUESTION 27: Please describe your understanding of the authority and responsibility of the IC IG to report matters to the Department of Justice concerning possible criminal conduct, including the conduct of current or former officials described in Section 103H(k)(3)(A)(iii).

I understand that Section 4 of the Inspector General Act and Section 103H(k)(6) require the IC IG to expeditiously report to the Department of Justice (DOJ) any information, allegation, or complaint received by the IC IG relating to violations of Federal criminal law that involve a program or operation of an IC element, or in the relationships between IC elements. I also understand that the IC IG must notify the DNI of any such reporting to the Attorney General (AG). In addition to this responsibility, I understand Section 103H(k)(3)(A)(iii) requires the IC IG to immediately notify and submit a report to the congressional intelligence committees regarding such a referral. If confirmed, I will ensure IC IG reports matters to DOJ and notifies Congress as appropriate.

QUESTION 28: In your view, what should be the role, if any, of any other office or official, including the Office of General Counsel, in making referrals to the Department of Justice?

My understanding is that the roles of other offices or officials, including the Office of General Counsel (OGC), in referring matters to DOJ are prescribed by other statutory or policy provisions, or through agreement with DOJ.

For example, 28 U.S.C. § 535(b) generally provides that information about a violation of Federal criminal law involving Government employees shall be reported to the AG by the head of the department or agency, or the witness, discoverer, or recipient, as appropriate. Similarly, Executive Order 12333, section 1.6(b) provides that the heads of the IC elements shall report to the AG possible violations of federal criminal law. The 1995 Memorandum of Understanding: "Reporting of Information Concerning Federal Crimes" addresses these reporting requirements for IC personnel (including the ODNI General Counsel) in more detail. And ICD 701 sets forth the process for referring alleged unauthorized disclosures of classified information for criminal investigation and prosecution. To the extent that these or other provisions authorize other offices to make referrals, it would be appropriate for those offices to do so.

If confirmed, I will work with the ODNI General Counsel and other responsible offices to ensure the IC IG is also informed of such referrals, as I did when I was the Acting IG.

Consultations about Reports

QUESTION 29: Under what circumstances, if any, do you believe it would be appropriate for the IC IG to consult with other ODNI officials, or other officials of an IC element outside an office of an Inspector General, before issuing a report, regarding the findings and recommendations in the report?

My understanding is that, consistent with CIGIE standards, it is common OIG practice to obtain the views of responsible officials of the entity reviewed regarding draft report findings, conclusions, and recommendations to help ensure a report is fair, complete, and objective. This provides the responsible officials the opportunity to provide their perspectives, to convey corrective actions they plan to take, and helps ensure the proper classification markings of the information. The responsible officials can also provide technical comments to address points of fact, or are editorial in nature, and do not address substantive issues such as the findings, conclusions, or recommendations.

After the IC IG receives comments from the responsible officials, it is the IC IG's discretion to consider the input and make the appropriate changes, if warranted, to enhance the accuracy of the report. However, I firmly believe that the review and comment process should not be utilized to attempt to unduly or improperly influence the content of the report or abdicate the IC IG's statutory responsibility to make independent findings and recommendations.

If confirmed, I intend to continue this practice.

QUESTION 30: To the extent that you believe such consultation is appropriate, what steps, if any, do you believe the Inspector General should take to keep a record of the consultation and record the results in the text of the report?

In accordance with CIGIE standards, and I believe consistent with the practice of many OIGs, the practice of the IC IG under my leadership was to request the component provide a formal written response containing the comments on the draft report. This written response would be maintained in the appropriate project files as part of the IC IG's official record. In addition, the final report would typically include a copy or summary of the component's formal comments. If confirmed, I intend to continue this practice.

QUESTION 31: Under what circumstances, if any, do you believe it would be appropriate for senior officials to request that the IC IG not investigate or review a particular matter?

As I indicated in response to Questions 22 and 24, I understand Section 103H(f) to provide a limitation on the IC IG's authority to exercise independent judgment to pursue a particular investigation, audit, or review in the circumstance in which the DNI (but not any other senior official) determines it is necessary to prohibit a particular IC IG activity in the interest of national security.

During my time as the Acting IG, I never encountered a situation where a senior official of the IC or the DNI sought to prevent the IC IG from investigating a particular matter. If confirmed and such a situation arose, I would consider taking a series of steps in an effort to resolve the matter, as described in response to Question 22. In taking those steps, I would seek to ensure that the official understood the IC IG's statutory responsibilities and authorities to investigate and report on matters within the IC IG's jurisdiction "as are, in

the judgement of the Inspector General, necessary or desirable.” I would carefully consider the official’s concerns and then make a determination on a case-by-case basis in accordance with my oath and statutory obligations.

QUESTION 32: Under what circumstances, if any, do you believe it would be appropriate for senior officials to request that the IC IG not issue a report on a particular matter?

As indicated in response to Questions 22 and 24, I understand Section 103H(f) to provide a limitation on the IC IG’s authority to exercise independent judgment to pursue a particular investigation, audit, or review in the circumstance in which the DNI (but not any other senior official) determines it is necessary to prohibit a particular IC IG activity in the interest of national security.

During my time as the Acting IG, I never encountered a situation where a senior official of the IC or the DNI sought to prevent the IC IG from issuing a report on a particular matter. If confirmed and such a situation arose, I would consider taking a series of steps in an effort to resolve the matter, as described in response to Questions 22 and 31. I would carefully consider the official’s concerns and then make a determination on a case-by-case basis in accordance with my oath and statutory obligations.

QUESTION 33: Under what circumstances, if any, do you believe it would be appropriate for senior officials to request that the IC IG change findings, recommendations, or other pertinent material in a report on a particular matter?

As discussed in my response to Question 29, I believe it is appropriate to provide responsible officials the opportunity to review and comment on draft report findings, conclusions, and recommendations. As previously stated, the review and comment process should not be utilized to attempt to unduly or improperly influence the content of the report or abdicate the IC IG’s statutory responsibility to make independent findings and recommendations.

During the course of the review, IC IG maintains effective relations by communicating the objectives, scope, and methodology of the review, and provides periodic updates on the progress of the project as requested or needed. Regular communication is important during the review to discuss some of the issues or deficiencies found so that prompt corrective actions can be implemented immediately if required; to clarify any information discussed; or obtain missing documentation still needed for the review. Following the conclusion of the review, an exit conference is held with the responsible officials to discuss potential findings, convey the position of both parties, resolve any matters in dispute, and to ensure the accuracy of the information obtained during the project. This helps prevent any major disagreements or controversies with the findings, conclusions, or recommendations in the draft report. As explained above, any changes to the report based on comments received is at the discretion of IC IG and documented in the project files.

Major Challenges, Problems, and Priorities**QUESTION 34: In your view, what are the major challenges facing the Office of the IC IG?**

Having served as the Acting IG for over a year, I believe the major challenges facing IC IG relate to (1) staffing and (2) the pandemic.

When I arrived at IC IG in April 2020, only approximately 50% of the billets were filled. There are various reasons why it can be challenging to recruit, develop, and retain a highly-qualified workforce, but one particularly problematic area is the length of time it takes for a candidate to receive a security clearance once selected, which on average is more than one year (and in some cases much longer). The staffing challenges are especially acute with auditors, who are in high demand elsewhere in the federal government and industry. Moreover, the COVID-19 pandemic compounded the staffing challenges, as other offices involved in personnel matters (including Human Resources, Security, and Medical) were limited in staffing.

The pandemic, not surprisingly, also had a severe impact on IC IG operations (including audits, investigations, inspections, reviews, hotline activity, and counsel work). In adherence with ODNI's health and safety protocols, the number of personnel permitted in the office at a given time was limited, and the classified nature of much of the work limited IC IG's ability to take advantage of workplace flexibilities such as telework.

QUESTION 35: If confirmed, how do you intend to address these challenges and what priorities, including for the selection of subjects for audits, inspections, investigations, and reviews, would you establish to address these challenges?

The IC IG leadership team and I were actively addressing those challenges while I was the Acting IG.

We identified our number one strategic goal as: "Strengthen the foundation of the Office of the Inspector General of the Intelligence Community by recruiting, developing, and retaining a premier workforce and fostering a diverse, inclusive, collaborative, and engaging environment." Among other things, we conducted a resource review, streamlined internal IC IG processes to reduce timelines for the portions of the hiring process within our control, explored incentives for hard-to-fill positions, and started analyzing data about attrition. We were also conducting an audit to address certain aspects of the security clearance process and coordinated with GAO to better understand related work it is doing in this area. As a result, we increased our overall fill rate in the past year and have pending personnel actions against most of the remaining vacancies.

Regarding the pandemic, we prioritized the health and safety of the IC IG workforce and accomplished our mission as soon as we reasonably and responsibly could do so. We afforded maximum flexibilities to the workforce, consistent with OPM, OMB, and ODNI

guidance. The IC IG team was resilient and is continuing to conduct audits, inspections, investigations, reviews, hotline processing, and other activities.

If confirmed, I will continue these efforts and explore other potential options for addressing these challenges to help ensure IC IG remains on a positive trajectory.

Personnel and Budgetary Resources of the IC IG's Office

Section 103H(j)(2)(B) provides that the Inspector General shall ensure that personnel shall have the required training and experience to enable the IC IG to carry out the duties of the IC IG effectively. Section 103H(j)(2)(C) provides that the IC IG "shall create...a career cadre of sufficient size to provide appropriate continuity and objectivity needed for the effective performance of the duties of the Inspector General."

QUESTION 36: Please describe how, if confirmed, you would create the career cadre sufficient to satisfy these statutory obligations and what, in your view, is necessary to meet these obligations.

As noted above in response to Question 35, IC IG's top priority is recruiting, developing, and retaining a premier workforce. In addition to the previously-mentioned personnel efforts, I believe IC IG could benefit from additional training and educational opportunities that promote greater professional development, technical skills, and tradecraft capability (much of which was curtailed or limited because of the pandemic). I also believe IC IG could benefit from a more structured career mapping program for IC IG professionals that addresses training, developmental opportunities, experiences, and competencies. If confirmed, I will work closely with the AIG for Mission Support and others on these areas.

QUESTION 37: If confirmed, what changes, if any, would you expect to consider or make in the present Office of the IC IG, with regard to organization, staff qualifications, training, budget, or other features relevant to the effective performance of the duties of the office?

If confirmed, I do not currently anticipate making any major changes to the IC IG organization or operations because, during the past year as Acting IG, I felt empowered to take the actions I believed appropriate to lead the team and accomplish the mission. I would continue the initiatives and activities already underway, while seeking opportunities for further improvement and adjusting as necessary, based on changing requirements, resources, and priorities.

QUESTION 38: Under what circumstances, if any, do you believe that the use of contractors to perform such functions is appropriate?

I believe the majority of IC IG's requirements are more appropriately performed by government personnel. In addition to some inherently governmental functions that legally must be performed by government personnel, staffing critical functions with

government personnel can help enhance stability and continuity, provide deeper understanding of the organization's programs and activities, and foster stronger and longer-lasting partnerships within the Community. These benefits are particularly important for an office like IC IG that already has some staffing challenges, and especially crucial for IG work that is particularly sensitive or complex.

Having said that, during my time in the IC, including as Acting IG, I have been privileged to work with many dedicated, highly-skilled, mission-enabling contractors. As DNI Haines explained during her confirmation process "With regard to the value of a workforce mix that includes both contractors and government employees, both play a critical and complementary role in ensuring that the Intelligence Community performs its mission. Questions to consider when deciding whether to hire contractors include: whether the work is inherently governmental; whether an effort is temporary or enduring; what presents the most cost-effective option; and whether the skill set is unique or a surge requirement requiring a quick solution." See Response # 74 to Additional Prehearing Questions for Avril D. Haines upon her Nomination to be the Director of National Intelligence.

The IC IG is currently leveraging contractor support in areas such as information technology, paralegal, hotline processing, and administration. The IC IG is also interested in utilizing contractors to perform financial statement audits and audits pursuant to the Federal Information Security Modernization Act (FISMA), which would still be overseen by government personnel. I understand that is common practice in other OIGs and consistent with the Chief Financial Officers Act of 1990, as amended by the Government Management Reform Act of 1994, and OMB Bulletin 14-02. This would help address auditor staffing shortages and enable cadre auditors to perform other discretionary audits.

QUESTION 39: In your view, are there any barriers or disincentives, including any created by personnel policies, which impede the recruitment or retention of qualified IG personnel? If so, please describe them, as well as how, if confirmed, you would address these impediments.

As noted above in response to Question 34, I believe the biggest barrier or disincentive to recruitment is the lengthy pre-employment security process. As a result, several selected candidates have withdrawn from the process or declined the conditional offer of employment in favor of other opportunities. Another barrier is the inability to make competitive salary offers or offer hiring incentives. As explained in response to Question 35, the IC IG leadership team and I have already been taking action to address these challenges. If confirmed, I will continue these efforts and explore other potential options for addressing these challenges.

Oversight of Acquisition Programs and Contracts

QUESTION 40: What role, if any, do you believe the IC IG should play in achieving acquisition reform?

Consistent with IC IG's purpose as set forth in Section 103H(b)(2), I believe the IC IG has an important role in promoting economy, efficiency, and effectiveness, and preventing and detecting fraud and abuse in IC-related procurement and acquisition activities. Additionally, given Section 103H(g)(2)(A), I believe the IC IG is statutorily authorized to conduct independent investigations, audits, inspections, or reviews concerning IC-related procurement and acquisition matters.

If confirmed, I will discuss with the IC IG team and the IC IG Forum whether there are IC-specific acquisition-related matters that may be appropriate for further IC IG action. To the extent that such matters yield information suggesting a need for acquisition reform, I will ensure that any resulting report includes recommendations to improve or remedy any deficiency in the acquisition process, and consistent with Section 103H(b)(3) and (b)(4), I will ensure the DNI and Congress are appropriately informed.

QUESTION 41: What is your view of the role the IC IG should play in advising the IC and the Congress on the sufficiency of management controls in acquisition programs and the impact that legislative and regulatory proposals could have on such management controls?

As discussed in my response to Question 40, I believe the IC IG has the statutory authority to review IC-related acquisition programs and provide appropriate recommendations for reform if necessary. In my view, this naturally extends to providing information and recommendations regarding the sufficiency of management controls in appropriate circumstances. If confirmed, I will ensure that when circumstances warrant, IC IG reports will include recommendations to improve or remedy any deficiency in the acquisition process, and consistent with Section 103H(b)(3) and (b)(4), I will ensure the DNI and Congress are appropriately informed.

QUESTION 42: What is your view of the role the IC IG should play in oversight, audit and investigation over contracts in the IC?

Similar to my responses to Questions 40 and 41 regarding acquisitions, I believe the IC IG has an important role, and the statutory authorities, to conduct independent oversight, audit, and investigative activities concerning IC-related contracting matters, to provide appropriate recommendations for reform if necessary, and to keep the DNI and Congress appropriately informed.

Professional Experience

QUESTION 43: For each of the following, please describe specifically how your experiences will enable you to serve effectively as the IC IG. Please include within each response a description of issues relating to the position that you can identify based on those experiences:

a. Special Advisor to the Chief of Staff, National Geospatial-Intelligence Agency

I just started this position in May 2021 after I resigned as Acting IG coincident with my nomination to be the IG. My duties are not directly relevant to the IG position.

b. Acting Inspector General of the Intelligence Community, Office of the Director of National Intelligence

All of my experiences while serving as Acting IG for more than a year are directly relevant to my abilities to serve as the IG on a permanent basis. Among other things, I successfully led the IC IG team and we accomplished our mission despite challenges. Under my leadership, the IC IG independently conducted audits, investigations, inspections, and reviews of programs and activities within the DNI's responsibility and authority. We managed the IC IG hotline and whistleblower program. I also led the IC IG Forum and worked closely with CIGIE and Five Eyes Intelligence Oversight and Review Council. I kept the DNI and Congress fully and currently informed, and also worked collaboratively with the OMB and GAO.

c. General Counsel, National Geospatial-Intelligence Agency

During my time as General Counsel of NGA, I ensured the agency accomplished its missions consistent with law; oversaw the agency's intelligence oversight program and ethics program; and worked closely with the NGA Inspector General and the Counsel to the IG on various matters.

d. Deputy General Counsel, National Geospatial-Intelligence Agency

During my time as Deputy General Counsel of NGA, in support of the General Counsel, I ensured the agency accomplished its missions consistent with law; oversaw the agency's intelligence oversight program and ethics program; and worked closely with the NGA Inspector General and the Counsel to the IG on various matters.

e. Senior Legal Advisor for Counterterrorism, Office of the Director of National Intelligence, National Counterterrorism Center

While serving as Deputy General Counsel at ODNI and Senior Legal Advisor at NCTC, I developed a deeper understanding of ODNI and NCTC authorities, and gained a greater appreciation of the importance of independent, effective oversight of

intelligence programs and activities to ensure public trust that the IC is carrying out its mission consistent with the rule of law and our core values.

f. Associate Deputy Attorney General, U.S. Department of Justice

During my time as Associate Deputy Attorney General, I helped coordinate the Department's national security-related efforts, represented the Department in various interagency meetings, and worked closely with the IC on myriad matters.

SELECT COMMITTEE ON
INTELLIGENCE

UNITED STATES SENATE



QUESTIONNAIRE FOR COMPLETION BY
PRESIDENTIAL NOMINEES

**SELECT COMMITTEE ON INTELLIGENCE
UNITED STATES SENATE**

**QUESTIONNAIRE FOR COMPLETION BY
PRESIDENTIAL NOMINEES**

PART A - BIOGRAPHICAL INFORMATION

1. NAME: Matthew Glen Olsen
2. DATE AND PLACE OF BIRTH: February 21, 1962; Fargo, North Dakota
3. MARITAL STATUS: Married
4. SPOUSE'S NAME: Fern Louise Shepard
5. SPOUSE'S MAIDEN NAME IF APPLICABLE: N/A
6. NAMES AND AGES OF CHILDREN:

REDACTED

7. EDUCATION SINCE HIGH SCHOOL:

<u>INSTITUTION</u>	<u>DATES ATTENDED</u>	<u>DEGREE RECEIVED</u>	<u>DATE OF DEGREE</u>
Harvard Law School	September 1985 – May 1988	J.D.	May 1988
University of Virginia	September 1980 – May 1984	B.A.	May 1984

8. EMPLOYMENT RECORD (LIST ALL POSITIONS HELD SINCE COLLEGE, INCLUDING MILITARY SERVICE. INDICATE NAME OF EMPLOYER, POSITION, TITLE OR DESCRIPTION, LOCATION, AND DATES OF EMPLOYMENT.)

<u>EMPLOYER</u>	<u>POSITION/TITLE</u>	<u>LOCATION</u>	<u>DATES</u>
Uber Technologies, Inc.	Chief Trust & Security Officer	Washington, D.C.	9/2018 - present
Harvard Law School	Lecturer	Cambridge, MA	1/2015 – present
University of Virginia	Lecturer	Charlottesville, VA	8/2017 – present
Hart InterCivic, Inc.	Director	Austin, TX	8/2018 – present
ABC News	National Security Analyst	New York NY	12/2014 – 1/2019
IronNet Cybersecurity, Inc.	President	Fulton, MD	9/2014 – 9/2018
WestExec Advisors	Part-time consultant	Washington, D.C.	10/2017 – 9/2018
Fairfax National Security Solutions	Part-time consultant	Arlington, D.C.	12/2017 – 9/2018
IBM	Part-time consultant	Reston, VA	1/2015 – 5/2017
Booz Allen Hamilton	Part-time consultant	McLean, VA	1/2017 – 7/2017
National Counterterrorism Center	Director	McLean, VA	9/2011 – 9/2014
National Security Agency	General Counsel	Fort Meade, MD	7/2010 – 8/2011
U.S. Department of Justice	Associate Deputy Attorney General	Washington, D.C.	3/2010 – 7/2010
U.S. Department of Justice	Special Counselor to the Attorney General, Executive Director, Guantanamo Review Task Force	Washington, D.C.	3/2009 – 3/2010
U.S. Department of Justice	Acting Assistant Attorney General, National Security Division	Washington, D.C.	1/2009 – 3/2009

U.S. Department of Justice	Deputy Assistant Attorney General, National Security Division	Washington, D.C.	9/2006 – 1/2009
U.S. Department of Justice	Assistant United States Attorney for the District of Columbia	Washington, D.C.	12/1994 – 9/2006
U.S. Department of Justice	United States Attorney's Office for the District of Columbia, Chief, National Security Section	Washington, D.C.	2005 - 2006
U.S. Department of Justice	United States Attorney's Office for the District of Columbia, Deputy Chief, Organized Crime and Narcotics Trafficking Section	Washington, D.C.	2003-2004
U.S. Department of Justice	Special Counsel to the FBI Director (on detail)	Washington, D.C.	5/2004 – 9/2005
Georgetown University Law Center	Adjunct Professor	Washington, D.C.	2001 – 2011 (est.)
U.S. Department of Justice	Trial Attorney, Civil Rights Division	Washington, D.C.	11/1992 – 12/1994
Arnold & Porter	Associate	Denver, Colorado	1/1991 – 9/1992
Hon. Norma Holloway Johnson, U.S. District Court	Law Clerk	Washington, D.C.	9/1988 – 8/1990
Sierra Club Legal Defense Fund	Summer Associate	Juneau, AK	Summer 1987
McKenna, Connor & Cuneo	Summer Associate	Washington, D.C.	Summer 1987
Schwalb Donnenfeld, Bray & Silbert	Summer Associate	Washington, D.C.	Summer 1986
Washington Post	Copy Aide	Washington, D.C.	1984 – 1985

9. GOVERNMENT EXPERIENCE (INDICATE EXPERIENCE IN OR ASSOCIATION WITH FEDERAL, STATE, OR LOCAL GOVERNMENTS, INCLUDING ADVISORY, CONSULTATIVE, HONORARY, OR OTHER PART-TIME SERVICE OR POSITION. DO NOT REPEAT INFORMATION ALREADY PROVIDED IN QUESTION 8):

See response to Question 8.

10. INDICATE ANY SPECIALIZED INTELLIGENCE OR NATIONAL SECURITY EXPERTISE YOU HAVE ACQUIRED HAVING SERVED IN THE POSITIONS DESCRIBED IN QUESTIONS 8 AND/OR 9.

As detailed below, in the course of the positions in which I have served, I have gained extensive intelligence and national security experience from operational, strategic, and management perspectives.

National Counterterrorism Center – *Director*

- Led NCTC's mission, in support of the Director of National Intelligence and the President, to combat terrorism through the integration and analysis of terrorism information and strategic operational planning of counterterrorism activities.
- Participated in National Security Council meetings and decision-making on counterterrorism operations and policy matters.
- Represented the United States in international engagements on counterterrorism, intelligence and related matters

National Security Agency – *General Counsel*

- Served as the chief legal officer for NSA and principal legal advisor to the NSA Director, providing advice and representation on all of NSA's missions, including intelligence and counterterrorism operations and cyber security.
- Managed the Office of General Counsel, consisting of more than 80 attorneys and professional staff dedicated to providing legal support and advocacy on behalf of NSA's missions.

Office of the Deputy Attorney General, Department of Justice – *Associate Deputy Attorney General*

- Supervised and coordinated national security and criminal matters, including counterterrorism and espionage cases, and provided advice to the Department leadership on national security policy, intelligence matters, and prosecutions.

Office of the Attorney General, Department of Justice – *Special Counselor to the Attorney General; Executive Director, Guantanamo Review Task Force*

- Appointed by the Attorney General to lead the interagency effort to conduct a comprehensive review, in accordance with the President's Executive Order, of all individuals detained at the Guantanamo Bay Naval Base.
- Advised the Attorney General, White House and National Security Council officials, and other senior government leaders on the detention of terrorism suspects and the review of Guantanamo detainees.

National Security Division, Department of Justice
Acting Assistant Attorney General (January to March 2009)
Deputy Assistant Attorney General (2006-2009)

- Served as the acting Assistant Attorney General for National Security and managed the Department of Justice's efforts to combat terrorism, espionage, and other threats to national security through intelligence operations and criminal prosecution.
- Supervised the use of sensitive intelligence tools and surveillance activities and represented the government before the Foreign Intelligence Surveillance Court.
- Represented the Department of Justice before Congress and within the Executive Branch and advised senior federal officials on operational, legal, and policy matters relating to national security and intelligence, including the reform of the Foreign Intelligence Surveillance Act.
- Supervised the formation of the new National Security Division and the Office of Intelligence.

Federal Bureau of Investigation – *Special Counsel to the Director*

- Handled policy matters relating to the FBI's national security mission, including the establishment of the Bureau's National Security Branch, and represented the FBI in the interagency process.

United States Attorney's Office, District of Columbia
Chief, National Security Section (2005 to 2006)
Deputy Chief, Organized Crime and Narcotics Trafficking Section (2003 to 2004)

- Supervised the investigation and prosecution of international and domestic terrorism, espionage, and export violation matters and managed a unit of senior attorneys dedicated to national security cases.
- Prosecuted the longest criminal trial in the District of Columbia, culminating in the conviction of six defendants for RICO conspiracy, 27 murders, and other gang-related offenses.
- Conducted more than 35 jury trials involving a variety of offenses—including white collar, homicide, and narcotics cases—and argued several appeals in the D.C. Circuit and D.C. Court of Appeals.

Harvard Law School
University of Virginia Law School
Lecturer (2015 to 2021)

- Taught multiple courses on national security law, covering topics such as surveillance, cybersecurity, and counterterrorism operations.

11. HONORS AND AWARDS (PROVIDE INFORMATION ON SCHOLARSHIPS, FELLOWSHIPS, HONORARY DEGREES, MILITARY DECORATIONS, CIVILIAN SERVICE CITATIONS, OR ANY OTHER SPECIAL RECOGNITION FOR OUTSTANDING PERFORMANCE OR ACHIEVEMENT):

Intelligence Community Seal Medallion, Office of the Director of National Intelligence (2016)

Distinguished Senior National Intelligence Officer, President of the United States (2015)

Defense Intelligence Director's Award, Department of Defense (2014)

National Intelligence Distinguished Service Medal, Office of the Director of National Intelligence (2014)

Seal Medal, Central Intelligence Agency (2014)

Director's Distinguished Service Medal, National Security Agency (2011)

Attorney General Distinguished Service Award, United States Department of Justice (2010)

Attorney General Award for Excellence in Furthering National Security, United States Department of Justice (2008)

Assistant Attorney General for National Security Award for Special Initiative, United States Department of Justice (2008)

John Marshall Award for Trial Advocacy, United States Department of Justice (2006)

Executive Office of United States Attorneys Directors Award, United States Department of Justice (2004 est.)

Special Achievement Awards, U.S. Attorney's Office for the District of Columbia, United States Department of Justice (multiple)

Harvard Law School, *cum laude*

University of Virginia, *high distinction*, Phi Beta Kappa

12. ORGANIZATIONAL AFFILIATIONS (LIST MEMBERSHIPS IN AND OFFICES HELD WITHIN THE LAST TEN YEARS IN ANY PROFESSIONAL, CIVIC, FRATERNAL, BUSINESS, SCHOLARLY, CULTURAL, CHARITABLE, OR OTHER SIMILAR ORGANIZATIONS):

<u>ORGANIZATION</u>	<u>OFFICE HELD</u>	<u>DATES</u>
Human Rights First	Director	April 2017 – Present
Center for a New American Security	Adjunct Senior Fellow	January 2017 – Present
National Security Institute	Advisory Board Member	January 2017 – Present
Foreign Policy for America	Advisory Board Member	April 2019 – Present
Center for American Progress	Nonresident Senior Fellow	May 2019 – Present
Noblis	Advisory Board Member	July 2015 – Present
Enlightenment Capital	Advisory Board Member	January 2015 – Present
Wicker	Federal Advisory Board Member	October 2020 -- Present
District of Columbia Bar	N/A	1990 - present
Maryland Bar (inactive)	N/A	1988 - present
American Inns of Court	N/A	1994 (est.) - 2011
University of Virginia Alumni Association	N/A	1984 - present
North Chevy Chase Swim Club	N/A	2003 - present

13. PUBLISHED WRITINGS AND SPEECHES (LIST THE TITLES, PUBLISHERS, AND PUBLICATION DATES OF ANY BOOKS, ARTICLES, REPORTS, OR OTHER PUBLISHED MATERIALS YOU HAVE AUTHORED. ALSO LIST ANY PUBLIC SPEECHES YOU HAVE MADE WITHIN THE LAST TEN YEARS FOR WHICH THERE IS A TEXT OR TRANSCRIPT. TO THE EXTENT POSSIBLE, PLEASE PROVIDE A COPY OF EACH SUCH PUBLICATION, TEXT, OR TRANSCRIPT):

I have done my best to identify all materials responsive to this question, although it is possible there are other materials I have been unable to recall. In addition to the information listed below, I have

given many lectures and presentations in connection with my teaching positions, primarily focused on national security law and policy.

Published Writings

Homeland Security and the Counterterrorism Enterprise, in BEYOND 9/11 HOMELAND SECURITY FOR THE TWENTY-FIRST CENTURY, (Chappell Lawson et al. ed., 2020).

What the Intelligence Community Doesn't Know is Hurting the US, THE CIPHER BRIEF, Sept. 21, 2020. Copy supplied.

21 former security leaders: We oppose militarized DHS deployment in Portland, USA TODAY, July 28, 2020. Copy supplied.

Statement of Homeland and National Security Leaders, JUST SECURITY, June 15, 2020. Copy supplied. <https://www.justsecurity.org/70783/statement-of-homeland-and-national-security-leaders/>

Leading the Intelligence Community Will Be a Test for Ratcliffe, JUST SECURITY, May 29, 2020. Copy supplied. <https://www.justsecurity.org/70463/leading-the-intelligence-community-will-be-a-test-for-ratcliffe/>

Former Intelligence Chiefs: Trump's Removal of Experts is Deeply Destructive to our Nation's Safety, THE WASHINGTON POST, Mar. 20, 2020. Copy supplied. https://www.washingtonpost.com/opinions/former-intelligence-chiefs-trumps-removals-of-experts-are-deeply-destructive-to-our-nations-safety/2020/03/20/b16e7e06-6ac3-11ea-abef-020f086a3fab_story.html

What Emergency? POLITICO, Mar. 13, 2019. Copy supplied. <https://www.politico.com/magazine/story/2019/03/13/donald-trump-national-emergency-border-225781/>

The Census Bureau owes us some peace of mind, THE WASHINGTON POST, July 25, 2018. Copy supplied. https://www.washingtonpost.com/opinions/the-census-is-a-prime-hacking-target-we-have-no-idea-if-its-safe/2018/07/25/76ba0d90-9039-11e8-b769-e3fff17f0689_story.html

"Fixes" to Surveillance Law Could Severely Harm FBI National Security Investigations, JUST SECURITY, Nov. 27, 2017. Copy supplied. <https://www.justsecurity.org/47349/section-702-privacy-surveillance-law-severely-harm-fbi-national-security-investigations/>

The Electoral College is a National Security Threat, POLITICO, Sept. 20, 2017. Copy supplied. <https://www.politico.com/magazine/story/2017/09/20/electoral-college-threat-national-security-215626/>

Russia is still waging cyberwar against Western democracy. It's time to push back. THE WASHINGTON POST, May 8, 2017. Copy supplied. <https://www.washingtonpost.com/news/democracy-post/wp/2017/05/08/russia-is-still-waging-cyberwar-against-western-democracy-its-time-to-push-back/>

Why ISIS Supports Donald Trump, TIME MAGAZINE, Sept. 7, 2016. Copy supplied.
<https://time.com/4480945/isis-donald-trump/>

Eric Holder's Defining Legacy on Terror, POLITICO MAGAZINE, Apr. 28, 2015. Copy supplied.
<https://www.politico.com/magazine/story/2015/04/eric-holders-defining-legacy-on-terror-117446/>

Toward Consent and Cooperation: Reconsidering the Political Status of Indian Nations, 22. HARV. C.R.-C.L.L. REV. 509-622 (1987). Copy supplied.

Reports, Memoranda, or Policy Statements

Trump Administration Considers Drastic Cut in Refugee Resettlement, HUMAN RIGHTS FIRST (Aug. 2, 2018). Copy supplied. <https://www.humanrightsfirst.org/press-release/trump-administration-considers-drastic-cut-refugee-resettlement>

The "Section 702" Surveillance Program, CENTER FOR A NEW AMERICAN SECURITY (Aug. 4, 2017). Copy supplied. <https://www.cnas.org/publications/reports/702>

Don't Panic, THE BERKMAN CENTER FOR INTERNET & SOCIETY AT HARVARD UNIVERSITY (Feb. 1, 2016). Copy supplied. https://cyber.harvard.edu/publications/2016/Cybersecurity/Dont_Panic

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Brief of Former National-Security Officials as Amici Curiae in Support of Plaintiffs-Appellees, *Arab American Civil Rights League v. Trump*, Case No. 19-2375 (6th Cir. July 31, 2020). Copy supplied.

Brief of Former U.S. Government Officials as Amici Curiae in Support of Plaintiffs-Appellees-Cross-Appellants, *El Paso County v. Trump*, Case No. 19-51144 (5th Cir. Apr. 3, 2020). Copy supplied.

Brief of Former U.S. Government Officials as Amici Curiae in Support of Plaintiffs-Appellees, *Sierra Club v. Trump*, Case Nos. 19-17501, 19-17502, 20-15044 (9th Cir. Feb. 20, 2020). Copy supplied.

Corrected Brief of Former National Security Officials as Amici Curiae in Support of Plaintiff-Appellees, *IRAP v. Trump*, Case No. 19-1990 (4th Cir. Nov. 29, 2019). Copy supplied.

Brief of Former U.S. Government Officials as Amici Curiae in Support of Plaintiff's Motion For Summary Judgment, *Washington v. Trump*, Case No. 19-cv-01502-BJR (W.D. Wash. Oct. 25, 2019). Copy supplied.

Brief of Former U.S. Government Officials as Amici Curiae in Support of Plaintiffs' Motion for Partial Summary Judgment, *State of California v. Trump*, Case No. 19-cv-00872-HSG (N.D. Cal. Oct. 21, 2019). Copy supplied.

Brief of Former National Security Officials as Amici Curiae in Support of Respondents, *U.S. Dep't of Homeland Sec. v. Regents of the Univ. of California*, Case Nos. 18-587, 18-588, 18-589 (U.S. Oct. 4, 2019).

Brief of Former U.S. Government Officials as Amici Curiae in Support of Plaintiffs-Appellees, *Sierra Club v. Trump*, Case Nos. 19-16102, 19-16300, 19-16299, 19-16336 (9th Cir. Aug. 22, 2019). Copy supplied.

Brief of Former U.S. Government Officials as Amici Curiae in Support of Plaintiffs' Motion for A Preliminary Injunction, *California v. Trump*, 4:19-cv-00872-HSG (N.D. Cal. May 13, 2019).

Brief of National Security Professionals as Amici Curiae in Support of Neither Party, *Heindel v. Andino*, 3:18-cv-01887-JMC (4th Cir. Apr. 15, 2019). Copy supplied.

Joint Declaration of Former United States Government Officials, 165 CONG. REC. S1405 (2019). Copy supplied.

ZTE: A Threat to America's Small Businesses Before the H. Comm. on Small Bus., 115th Cong. (June 27, 2018). Transcript supplied.

Brief of Amici Curiae Former National Security Officials in Support of Respondents, *Trump v. Hawaii*, Case No. 17-965 (U.S. Mar. 30, 2018). Copy supplied.

Joint Declaration of Former National Security Officials, *Hawaii v. Trump*, Case No. 17-cv-00050-DKW-KSC (D. Haw. Oct. 15, 2017). Copy supplied.

Joint Declaration of Former National Security Officials, *Washington v. Trump*, Case No. 17-cv-00141-JLR (W.D. Wash. Oct. 11, 2017). Copy supplied.

Brief of Amici Curiae Former National Security Officials in Support of Respondents, *Trump v. Hawaii*, Case Nos. 16-1436, 16-1540 (U.S. Sept. 18, 2017). Copy supplied.

Brief of Former National Security Officials as Amici Curiae in Support of Plaintiffs-Appellees, *Hawaii v. Trump*, Case No. 17-16426 (9th Cir. Aug. 3, 2017). Copy supplied.

Authorization for the Use of Military Force and Current Terrorist Threats Before the H. Comm. on Foreign Affs., 115th Cong. (July 25, 2017). Transcript supplied.

Brief of Amici Curiae Former National Security Officials in Opposition to The Motion for Clarification, *Trump v. Hawaii*, Case No. 16-1540 (16A1191) (U.S. July 18, 2017). Copy supplied.

The FISA Amendments Act: Reauthorizing America's Vital National Security Authority and Protecting Privacy and Civil Liberties Before the S. Judiciary Comm., 115th Cong. (June 27, 2017). Transcript supplied.

Brief of Amici Curiae Former National Security Officials in Opposition to The Applications for A Stay, *Trump v. Hawaii*, Case Nos. 16-1436, 16A1191 (U.S. June 12, 2017). Copy supplied.

Brief of Former National Security Officials as Amici Curiae in Support of Plaintiffs' Opposition to Defendants' Motion to Dismiss, *ACRL v. Trump*, Case No. 17-cv-10310-VAR-SDD (E.D. Mich. May 19, 2017). Copy supplied.

Brief of Former National Security Officials as Amici Curiae in Support of Plaintiffs-Appellees, *Hawaii v. Trump*, Case No. 17-15589 (9th Cir. Apr. 20, 2017). Copy supplied.

Corrected Brief of Former National Security Officials as Amici Curiae in Support of Plaintiffs-Appellees and Against A Stay Pending Appeal, *IRAP v. Trump*, Case No. 17-1351 (4th Cir. Apr. 13, 2017). Copy supplied.

Brief of Former National Security Officials as Amici Curiae in Support of Plaintiffs, *Pars Equality Center v. Trump*, Case No. 17-cv-00255-TSC (D.D.C. Mar. 27, 2017). Copy supplied.

Motion of Former National Security Officials for Leave to File Amicus Curiae Brief in Support of Plaintiffs, *IRAP v. Trump*, Case No. 17-cv-00361-TDC (D. Md. Mar. 13, 2017). Copy supplied.

Brief of Former National Security Officials As Amici Curiae in Support of Petitioners, *Darweesh v. Trump*, Case No. 17-cv-00480-CBA (E.D.N.Y. Feb. 16, 2017). Copy supplied.

Speeches

Oversight and Reauthorization of the FISA Amendments Act: The Balance Between National Security, Privacy, and Civil Liberties Before the S. Judiciary Comm., 114th Cong. (May 10, 2016). Transcript supplied.

The Spread of ISIS and Transnational Terrorism Before the S. Comm. on Foreign Relations, 114th Cong. (Apr. 12, 2016). Transcript supplied.

The Rise of Radicalism: Growing Terrorist Sanctuaries and the Threat to the US Homeland Before the H. Comm.'s on Foreign Affs. and Homeland Sec., 114th Cong. (Nov. 18, 2015). Transcript supplied.

Worldwide Threats to the Homeland Before the H. Comm. on Homeland Sec., 113th Cong. (Sept. 17, 2014). Transcript supplied.

Spillover: The Growing Threat of Terrorism and Sectarianism in the Middle East and Ukraine Update Before the S. Comm. on Foreign Relations, 113th Cong. (Mar. 6, 2014). Transcript supplied.

Worldwide Threats Before the H. Select Intelligence Comm., 113th Cong. (Feb. 4, 2014). Transcript supplied.

Annual Open Hearing on Current and Projected National Security Threats to the United States Before the S. Select Comm. on Intelligence, 113th Cong. (Jan. 29, 2014). Transcript supplied.

The Homeland Threat Landscape and U.S. Response Before the S. Comm. on Homeland Sec. and Gov't Affs. 113th Cong. (Nov. 14, 2013). Transcript supplied.

Assessing Attacks on the Homeland: From Fort Hood to Boston Before the H. Comm. on Homeland Sec., 113th Cong. (Jul. 10, 2013). Transcript supplied.

Current and Projected National Security Threats to the United States Before the S. Select Comm. on Intelligence, 113th Cong. (Mar. 12, 2013). Transcript supplied.

Homeland Threats and Agency Responses Before the S. Homeland Sec. and Gov't Affs. Comm., 112th Cong. (Sept. 19, 2012). Transcript supplied.

Understanding the Homeland Threat Landscape Before the H. Homeland Sec. Comm., 112th Cong. (Jun. 25, 2012). Transcript supplied.

Current and Projected National Security Threats to the United States Before the S. Select Comm. on Intelligence, 112th Cong. (Jan. 31, 2012). Transcript supplied.

Domestic Threat Intelligence Before the H. Permanent Select Comm. on Intelligence, 112th Cong. (Oct. 6, 2011). Transcript supplied.

Ten Years After 9/11: Are We Safer? Before the S. Homeland Sec. and Gov't Affs. 112th Cong. (Sept. 13, 2011). Transcript supplied.

Nomination of Matt Olsen to Be National Counterterrorism Center Director Before the S. Select Intelligence Comm. 112th Cong. (Jul. 26, 2011). Transcript supplied.

Brief for Appellee, *United States v. Winstead*, Crim. No. 93-0331 (D.C. Sept. 21, 1995). Copy supplied.

Brief for Appellee, *United States v. Boney*, Cr. No. 89-381 (D.C. Apr. 14, 1995).

Brief for Appellee, *United States v. Williams*, Case No. 90-0098-03 (D.C. Mar. 16, 1995). Copy supplied.

The Changing Paradigm of Security and Privacy, CyberScoop, DC CyberTalks, Washington, D.C. (October 24, 2019). No transcripts, text, or notes available. Webcast: <https://www.youtube.com/watch?v=AjXTV6tsxRo>

The New Operational Landscape: Managing Cyber and Physical Disruption, 27th World Gas Conference, Washington, D.C. (June 28, 2018). Speaker profile supplied. No transcripts, text, or notes available.

Off-the-Record Discussion with Matt Olsen, Partnership for a Secure America, Washington, D.C. (May 21, 2018). No transcripts, text, or notes available.

The Future of Cyber Terrorism, RSA Conference 2018, San Francisco, CA (Apr. 18, 2018). Presentation supplied.

Cyber-Defense of American Companies: Can "Operational" Partnerships Work? RSA Conference 2018, San Francisco, CA (Apr. 18, 2018). Webcast: <https://www.youtube.com/watch?v=R1kLHAIJ4Jc>

Modern Surveillance and Privacy, Civil Dialogues at Arena Stage, Washington D.C. (Mar. 26, 2018).

Webcast: <https://www.c-span.org/video/?443054-1/lawyers-discuss-privacy-concerns-modern-era>

Unveiling of New Situation Room, ANDERSON UNIVERSITY, Anderson, IL (Feb. 2, 2018). Event description supplied.

Matt Olsen talks about co-founding Iron Net, the products they produce, and the impact of nation state threats, TAG Cyber (Nov. 3, 2017). Webcast:

<https://www.youtube.com/watch?v=c1DoJdqKNM0>

National Security, Privacy, and the Rule of Law, Harvard Law School, Cambridge, MA (Oct. 12, 2017) Webcast:

<https://www.youtube.com/watch?v=ZlqMqtFe80>

The Challenge of Security in an Age of Evolving Threats, CSX 2017 North America (Oct. 2, 2017). Press release supplied. No transcripts, text, or notes available.

The Future of FISA, Hoover Institution at Stanford University (Jun. 1, 2017). Webcast:

<https://www.c-span.org/video/?429351-2/future-fisa-part-2>

2017 IBM Government Analytics Forum, (Jun. 1, 2017). Webcast:

<https://www.brighttalk.com/webcast/13291/255723/2017-ibm-government-analytics-forum-livestream-part-i>

Terrorism in Cyberspace, RSA Conference 2017, San Francisco, CA (Feb. 16, 2017). Webcast:

<https://www.youtube.com/watch?v=kuNOZdo9EHU>.

Matt Olsen to speak at the Dickey Center today, Dickey Center for International Understanding (Jan. 31, 2017). News article supplied. No transcripts, text, or notes available.

Privacy and Government Surveillance, Cato Surveillance Conference, Cato Institute (Dec. 14, 2016).

Webcast: <https://www.c-span.org/video/?420109-1/cato-institute-hosts-forum-privacy-government-surveillance>

The Evolving Threat of Terrorism, The University of Virginia School of Law (Sept. 29, 2016).

Recording: <https://soundcloud.com/uva-law/the-evolving-threat-of-terrorism-with-former-nsa-general-counsel-matt-olsen>

The National Security Division at 10: Past, Present, and Future. Center for Strategic and International Studies (Sept. 14, 2016). Webcast: <https://www.lawfareblog.com/livestream-national-security-division-10-past-present-and-future>

Responding to Next-Generation Threats, Center for Strategic and International Studies, Washington D.C. (Sept. 9, 2016). Webcast: <https://www.youtube.com/watch?v=cdL1RVoiDOI>

Counterterrorism and Homeland Security, The Atlantic (Sept. 8, 2016) Webcast: <https://www.c-span.org/video/?414928-1/counterterrorism-homeland-security-part-1>

Intelligence Research and Development, The Ethos and Profession of Intelligence at The George Washington University (Sept. 2, 2016). Webcast: <https://www.c-span.org/video/?415576-3/intelligence-research-development>

Technological Privacy Debate, Oxford Union Society, Oxford, England (June 29, 2016). Webcast: <https://www.youtube.com/watch?v=yxqXQudhnHA>

Keynote Conversation on Counterterrorism, Annual Strategic Conference of the GW Center for Cyber & Homeland Security, Washington, D.C. (May 4, 2016). Webcast: <https://www.youtube.com/watch?v=hLcmKAmbuj>

Countering Terrorist Travel, Annual Strategic Conference of the GW Center for Cyber & Homeland Security, Washington, D.C. (May 4, 2016). Webcast: <https://www.c-span.org/video/?409023-2/george-washington-university-national-security-cybersecurity-conference>

Panel I: Reconciling Liberty and Security in 2016, Fordham Law, New York, NY (May 2, 2016). Webcast: <https://www.youtube.com/watch?v=pwruGXavhm8>

Amid Secrets and Threats: In Conversation with Matt Olsen, The John Sloan Dickey Center for International Understanding at Dartmouth College, Hanover, NH (April 27, 2016). Event description supplied.

Intelligence and National Security, The Heritage Foundation - Role of Intelligence (March 30, 2016). Webcast: <https://www.c-span.org/video/?407453-1/discussion-role-intelligence>

Cyber Threats & How Companies Should Approach Cyber Security, Leading Authorities Speakers Bureau (Oct. 23, 2015). Webcast: <https://www.youtube.com/watch?v=gx-dBGnTirk>

Can a Cyber NCTC Prevent the Next Catastrophic Attack?, Bipartisan Policy Center (Nov. 19, 2014). Event description supplied.

Views from Washington: The Changing Terrorist Threat, Harvard Law School (Oct. 8, 2014). Webcast: <https://www.youtube.com/watch?v=XTpn4J8oG2E>

A Threat Assessment of ISIL and Al Qaeda in Iraq, Syria and Beyond, Brookings Institution, (September 3, 2014). Speech and transcript supplied.

Consequences of Surveillance, American Political Science Association. (August 28, 2014). Webcast: <https://www.c-span.org/video/?321179-1/discussion-nsa-surveillance-programs>

Prof. Larry Sabato's Introduction to American Politics class in the Wilson Hall Auditorium, The University of Virginia School of Law, Charlottesville, VA (April 7, 2014). No transcripts, text, or notes available.

INSA Leadership Dinner, Intelligence & National Security Alliance (January 14, 2014). Webcast: <https://www.youtube.com/watch?v=zGpeC637vxM>

Surveillance and Foreign Intelligence Gathering in the United States: The Current State of Play, Georgetown Center on National Security and the Law, Washington, D.C. (Nov. 19, 2013). No transcripts, text, or notes available; event description supplied.

The National Counterterrorism Center and its Role in Securing the Homeland, Aspen Security Forum, Aspen, CO (July 18, 2013). Webcast: <https://www.youtube.com/watch?v=dy4IjZQiAmQ>

An Intimate Dinner Exchange with Matthew G. Olsen, Pacific Council on International Policy (Oct. 2, 2012). No transcripts, text, or notes available.

National Counterterrorism Center's Role in Counterterrorism, Aspen Security Forum, Aspen, CO (July 26, 2012). Webcast: <https://www.youtube.com/watch?v=Lh8r4nWMty4>

Today's Homeland Security Intelligence Enterprise, Center for Strategic and International Studies, Washington, D.C. (June 26, 2012). No transcripts, text, or notes available. Panelist remarks describing speech supplied.

The Treasury Department Holds a Counter-Terrorist Financing Symposium, Panel One, Treasury Dept., Washington, D.C. (Sept. 08, 2011). Transcript supplied.

The Evolving Terrorist Threat and the Importance of Intelligence to Protect the Homeland, Intelligence to Protect the Homeland Symposium from the Office of the Director of National Intelligence (September 7, 2011). Transcript supplied.

Georgetown University Law Center's *Moving Targets: Issues at the Intersection of National Security and American Criminal Law*, Georgetown Center on National Security and the Law and The American Criminal Law Review (Apr. 12, 2011). webcast available; (<http://www.law.georgetown.edu/webcast/eventDetail.cfm?eventID=1397>).

National Security Agency Law Day (Oct. 14, 2010). Speech supplied. No transcripts, text, or notes available.

Should Terrorists Be Prosecuted by Military Commissions, Georgetown Center on National Security (Sept. 10, 2009). No transcripts, text, or notes available.

Presentations at Department of Justice training programs (no transcripts available)

Anti-Terrorism Advisory Council Coordinators' National Conference – September 30-October 2, 2009

National Security Prosecutors' Conference – August 19-22, 2008

National Security Division / FBI Training – March 19-21, 2008

Counterterrorism Training for Anti-Terrorism Prosecutors and JTTF Agents – August 1-3, 2007

Counterterrorism Training for Anti-Terrorism Prosecutors and JTTF Agents – June 13-15, 2007

Foreign Intelligence Training – March 29, 2007

Anti-Terrorism Advisory Council Coordinators' National Conference – March 14-16, 2007

United States Attorneys' National Security Conference – January 11-12, 2007

FBI Training: Office of Intelligence Policy and Review – November 6-8, 2006

Counterterrorism Training for Anti-Terrorism Prosecutors and JTTF Agents – October 11-13, 2006

Anti-Terrorism Advisory Council Coordinators Working Group Meeting – September 7, 2006

Working With Cooperators and Confidential Informants Seminar – July 12-14, 2006

National Security Prosecutors' Conference – March 1-3, 2006

National Security Conference OLE 06-125 January 4-6, 2006

Working With Cooperators and Confidential Informants Seminar – November 30-December 2, 2005

Structuring the Complex Criminal Case Seminar – November 2-4, 2005

Working With Cooperators and Confidential Informants Seminar – October 13-15, 2004

Law Review article (co-author)

Rachel San Kronowitz, Joanne Lichtman, Steven Paul McSloy, and Matthew G. Olsen, "Toward Consent and Cooperation: Reconsidering the Political Status of Indian Nations," 22 Harv. C.R.-C.L. L. Rev., No. 2 (Spring 1987) (copy attached).

PART B - QUALIFICATIONS**14. QUALIFICATIONS (DESCRIBE WHY YOU BELIEVE YOU ARE QUALIFIED TO SERVE IN THE POSITION FOR WHICH YOU HAVE BEEN NOMINATED):**

I believe I am qualified to serve as the Assistant Attorney General for National Security based on my record of public service and leadership of people and organizations dedicated to protecting national security. In several leadership positions in the national security field, both as career official and political appointee, I have demonstrated my ability to lead people in demanding legal and operational settings, gained valuable experience working within the Department of Justice and across the Intelligence Community, and contributed to the achievement of important national security initiatives to protect the nation.

From 2011 to 2014, I served as the Director of the National Counterterrorism Center. Following the recommendations of the 9/11 Commission, NCTC was established as the primary organization in the U.S. government for the analysis and integration of counterterrorism intelligence. The agency is also responsible for sharing terrorism threat information across the counterterrorism enterprise, maintaining an authoritative database of known and suspected terrorists, and integrating the national counterterrorism effort through planning and strategy development. As the Director of NCTC, I led a diverse workforce comprised of intelligence officers from across the government, including analysts detailed from the CIA, FBI, and DoD, dedicated to these missions. I represented the Office of the Director of National Intelligence in numerous National Security Council meetings, briefing Principals and Deputies on threat information and counterterrorism operations. I supported the Director of National Intelligence in carrying his mission of integrating the Intelligence Community. I also interacted routinely with counterparts in other countries focused on shared counterterrorism objectives. In addition, I appeared often before the congressional committees, and briefed this Committee regularly both in hearings and informal roundtable settings to ensure that we fulfilled our oversight responsibilities.

As General Counsel for the National Security Agency from 2010 to 2011, I served as the chief legal officer for NSA and managed a large legal office dedicated to providing legal support and advocacy on behalf of NSA's missions, including its counterterrorism efforts. I also served as a member of NSA's senior leadership team and as the principal legal advisor to the NSA Director. As General Counsel, I fulfilled a critical role in guiding and supporting NSA's operations and in ensuring that the agency's activities adhere to all applicable legal rules and policies. It is the responsibility of the General Counsel's Office to identify, analyze and resolve the complex and novel legal and policy issues that these activities often present. During my tenure, for example, I led efforts on behalf of NSA to address significant issues involving the collection and analysis of intelligence, authority for its counterterrorism activities, and the agency's emerging cyber security efforts. In this role, I sought to ensure that NSA has the authority necessary to carry out its missions in a manner consistent with the agency's bedrock commitment to the Constitution and the laws and policies that govern its actions.

From 2009 to 2010, I served as the head of the Guantanamo Review Task Force and led the review of detainees at Guantanamo in accordance with the President's executive order. In this capacity, I was responsible for establishing and supervising an interagency task force of national security

professionals from across the federal government and for managing the process for compiling and analyzing the relevant intelligence information on each detainee. The interagency nature of the review was designed to promote collaboration and exchange of information and to ensure that all relevant perspectives—including military, intelligence, homeland security, diplomatic, and law enforcement—contributed fully to the detainee review process. Over 100 staff members served on the task force over the course of the one-year review, including senior military officers; intelligence analysts from CIA, NCTC, DIA, FBI, and DHS; FBI agents; military prosecutors and investigators; and federal prosecutors and national security lawyers. The task force assembled and sifted through large volumes of intelligence information and examined this information to assess the threat posed by the detainee in light of the national security interests of the United States. These task force assessments were presented to senior officials representing the federal agencies responsible for the review and were considered by these officials in reaching decisions for each detainee consistent with the executive order and U.S. national security.

From 2006 to 2009, as a senior career official in the Department of Justice's National Security Division—a newly formed division in the Department—I managed intelligence and surveillance operations and the oversight of these activities. During the 2009 Presidential transition, I served as the acting Assistant Attorney General for National Security, overseeing the work of the entire division. As the Deputy Assistant Attorney General with responsibility for intelligence activities, I managed over 125 attorneys and support staff members dedicated to the Department's intelligence operations and oversight units. Our mission was to ensure that Intelligence Community agencies—including CIA, FBI, and NSA—had the tools necessary to conduct sensitive surveillance and other intelligence operations. To accomplish this mission, we worked cooperatively with agents and analysts to develop and analyze facts necessary to ensure that intelligence activities could go forward consistent with legal requirements. In addition, I was responsible for managing the Department of Justice's implementation of landmark changes in the Foreign Intelligence Surveillance Act and worked in close collaboration with the Intelligence Community to interpret new statutory provisions, address policy and technical challenges, and adopt new oversight mechanisms to ensure the effective and lawful use of the government's new surveillance authority. I also implemented a comprehensive reorganization of the Department's intelligence components to align each organizational element with its core responsibilities to enhance management and accountability, and designed and implemented the first Department component dedicated to intelligence oversight.

As Special Counsel to the FBI Director from 2004 to 2005, I handled a wide array of policy and operational matters in support of the FBI's national security and counterterrorism mission. I gained key insights about the role, capabilities and structure of the FBI, as well as other intelligence agencies that comprise the government's combined counterterrorism community. In particular, I contributed to the reform of the FBI and—in response to a 2005 Presidential directive—the establishment of the FBI's National Security Branch, which combines the missions and resources of the Bureau's counterterrorism, counterintelligence, weapons of mass destruction, and intelligence elements.

I served as a federal prosecutor for over a decade, including in a supervisory position overseeing the investigation and prosecution of international terrorists. As a federal prosecutor, I learned first-hand the value of working as team with professionals in operational roles and of building coalitions with federal, state and local partners. In addition, this experience fostered an appreciation of the importance of rigorous and unbiased analysis of complex, sometimes fragmentary information. I also

learned to present this information in a clear, concise and steadfast manner. Finally, I gained a deep understanding of the laws and policies that define and limit the government's actions in a domestic law enforcement setting and that protect the civil liberties and privacy of American citizens.

In each of these positions, I have tried to enable and support the people I have had the privilege of leading by providing the resources, guidance, and direction necessary to develop professionally and to be successful. I have endeavored to lead by example—to approach each challenge with integrity, fairness, and resolve—and to demonstrate the character, dedication, and judgment essential to achieving results.

Since leaving government, I have remained an active participant in the issues the National Security Division faces, teaching courses at Harvard Law School and the University of Virginia on national security law and policy and speaking and writing regularly on these issues. As a co-founder and leader of a cybersecurity company and the leader of security at a global company based in the United States, I have gained a deep understanding and appreciation of the security challenges the private sector faces and the importance of fostering trust between the government and private sector in order to build collaborative relationships.

In short, over the course of my government career, I have served in several leadership positions dedicated to defending the nation. This service, along with my more recent roles in the private sector has helped to provide me with the knowledge, judgment, and experience to succeed as the Assistant Attorney General for National Security. I hope that the Committee will judge that my record of service, as well as my academic background, qualify me to be confirmed for this critical position.

PART C - POLITICAL AND FOREIGN AFFILIATIONS

15. POLITICAL ACTIVITIES (LIST ANY MEMBERSHIPS OR OFFICES HELD IN OR FINANCIAL CONTRIBUTIONS OR SERVICES RENDERED TO, ANY POLITICAL PARTY, ELECTION COMMITTEE, POLITICAL ACTION COMMITTEE, OR INDIVIDUAL CANDIDATE DURING THE LAST TEN YEARS):

I am registered as a member of the Democratic party. I have never held an official position or office for any political party, election committee, political action committee or individual candidate.

I volunteered as an informal policy advisor for the Biden-Harris campaign in 2020 and was a member of the Transition team focusing on the Intelligence Community. I also was an informal policy advisor for the Hillary Clinton presidential campaign in 2015-2016.

Financial contributions during the last ten years:

YEAR	RECIPIENT	AMOUNT
2008	OBAMA FOR AMERICA	1000
2016	HILLARY FOR AMERICA	100
2016	HILLARY FOR AMERICA	1000
2019	SCOTT COOPER FOR CONGRESS	500
2019	SCOTT COOPER FOR CONGRESS	500
2019	ACTBLUE	100
2019	ACTBLUE	100
2020	BIDEN VICTORY FUND	500
2020	BIDEN FOR PRESIDENT	1000
2020	BIDEN FOR PRESIDENT	1000
2020	MONTANANS FOR BULLOCK	250
2020	DEMOCRATIC NATIONAL COMMITTEE	500
2020	BIDEN FOR PRESIDENT	800
2020	BIDEN FOR PRESIDENT	1000
2020	BIDEN FOR PRESIDENT	250
2020	BIDEN FOR PRESIDENT	500
2020	BIDEN FOR PRESIDENT	200
2020	BIDEN VICTORY FUND	1000
2020	BIDEN VICTORY FUND	1000
2020	BIDEN FOR PRESIDENT	350
2020	BIDEN FOR PRESIDENT	500
2020	ACTBLUE	100
2020	BIDEN VICTORY FUND	500
2020	BIDEN VICTORY FUND	500

2020	BIDEN VICTORY FUND	250
2020	MONTANANS FOR BULLOCK	250
2020	ACTBLUE	100

16. CANDIDACY FOR PUBLIC OFFICE (FURNISH DETAILS OF ANY CANDIDACY FOR ELECTIVE PUBLIC OFFICE):

None.

17. FOREIGN AFFILIATIONS

(NOTE: QUESTIONS 17A AND B ARE NOT LIMITED TO RELATIONSHIPS REQUIRING REGISTRATION UNDER THE FOREIGN AGENTS REGISTRATION ACT. QUESTIONS 17A, B, AND C DO NOT CALL FOR A POSITIVE RESPONSE IF THE REPRESENTATION OR TRANSACTION WAS AUTHORIZED BY THE UNITED STATES GOVERNMENT IN CONNECTION WITH YOUR OR YOUR SPOUSE'S EMPLOYMENT IN GOVERNMENT SERVICE.)

A. HAVE YOU OR YOUR SPOUSE EVER REPRESENTED IN ANY CAPACITY (E.G. EMPLOYEE, ATTORNEY, OR POLITICAL/BUSINESS CONSULTANT), WITH OR WITHOUT COMPENSATION, A FOREIGN GOVERNMENT OR AN ENTITY CONTROLLED BY A FOREIGN GOVERNMENT? IF SO, PLEASE FULLY DESCRIBE SUCH RELATIONSHIP.

No.

B. HAVE ANY OF YOUR OR YOUR SPOUSE'S ASSOCIATES REPRESENTED, IN ANY CAPACITY, WITH OR WITHOUT COMPENSATION, A FOREIGN GOVERNMENT OR AN ENTITY CONTROLLED BY A FOREIGN GOVERNMENT? IF SO, PLEASE FULLY DESCRIBE SUCH RELATIONSHIP.

No.

C. DURING THE PAST TEN YEARS, HAVE YOU OR YOUR SPOUSE RECEIVED ANY COMPENSATION FROM, OR BEEN INVOLVED IN ANY FINANCIAL OR BUSINESS TRANSACTIONS WITH, A FOREIGN GOVERNMENT OR ANY ENTITY CONTROLLED BY A FOREIGN GOVERNMENT? IF SO, PLEASE PROVIDE DETAILS.

No.

D. HAVE YOU OR YOUR SPOUSE EVER REGISTERED UNDER THE FOREIGN AGENTS REGISTRATION ACT? IF SO, PLEASE PROVIDE DETAILS.

No.

18. DESCRIBE ANY LOBBYING ACTIVITY DURING THE PAST TEN YEARS, OTHER THAN IN AN OFFICIAL U.S. GOVERNMENT CAPACITY, IN WHICH YOU OR YOUR SPOUSE HAVE ENGAGED FOR THE PURPOSE OF DIRECTLY OR INDIRECTLY INFLUENCING THE PASSAGE, DEFEAT, OR MODIFICATION OF FEDERAL LEGISLATION, OR FOR THE PURPOSE OF AFFECTING THE ADMINISTRATION AND EXECUTION OF FEDERAL LAW OR PUBLIC POLICY.

None.

PART D - FINANCIAL DISCLOSURE AND CONFLICT OF INTEREST UPDATE

19. DESCRIBE ANY EMPLOYMENT, BUSINESS RELATIONSHIP, FINANCIAL TRANSACTION, INVESTMENT, ASSOCIATION, OR ACTIVITY (INCLUDING, BUT NOT LIMITED TO, DEALINGS WITH THE FEDERAL GOVERNMENT ON YOUR OWN BEHALF OR ON BEHALF OF A CLIENT), WHICH COULD CREATE, OR APPEAR TO CREATE, A CONFLICT OF INTEREST IN THE POSITION TO WHICH YOU HAVE BEEN NOMINATED.

In connection with the nomination process, I have consulted with the Office of Government Ethics and the DOJ designated agency ethics official to identify potential conflicts of interest. Any potential conflicts of interest will be resolved in accordance with the terms of an ethics agreement that I have entered into with the DOJ's designated agency ethics official and that has been provided to this Committee. I am not aware of any other potential conflicts of interest.

20. DO YOU INTEND TO SEVER ALL BUSINESS CONNECTIONS WITH YOUR PRESENT EMPLOYERS, FIRMS, BUSINESS ASSOCIATES AND/OR PARTNERSHIPS, OR OTHER ORGANIZATIONS IN THE EVENT THAT YOU ARE CONFIRMED BY THE SENATE? IF NOT, PLEASE EXPLAIN.

Yes

21. DESCRIBE THE FINANCIAL ARRANGEMENTS YOU HAVE MADE OR PLAN TO MAKE, IF YOU ARE CONFIRMED, IN CONNECTION WITH SEVERANCE FROM YOUR CURRENT POSITION. PLEASE INCLUDE SEVERANCE PAY, PENSION RIGHTS, STOCK OPTIONS, DEFERRED INCOME ARRANGEMENTS, AND ANY AND ALL COMPENSATION THAT WILL OR MIGHT BE RECEIVED IN THE FUTURE AS A RESULT OF YOUR CURRENT BUSINESS OR PROFESSIONAL RELATIONSHIPS.

I have no arrangements to receive severance pay, pension rights, or stock options, and I have no arrangements to receive deferred income as a result of my current business or professional relationships. If I am confirmed, I will sever all of my business and professional relationships, but will retain some investments related to those relationships. I have reported all of them in my SF-278 and they are reflected in the Ethics Agreement I have signed with the Department of Justice ethics official.

22. DO YOU HAVE ANY PLANS, COMMITMENTS, OR AGREEMENTS TO PURSUE OUTSIDE EMPLOYMENT, WITH OR WITHOUT COMPENSATION, DURING YOUR SERVICE WITH THE GOVERNMENT? IF SO, PLEASE PROVIDE DETAILS.

No.

23. AS FAR AS CAN BE FORESEEN, STATE YOUR PLANS AFTER COMPLETING GOVERNMENT SERVICE. PLEASE SPECIFICALLY DESCRIBE ANY AGREEMENTS OR UNDERSTANDINGS, WRITTEN OR UNWRITTEN, CONCERNING EMPLOYMENT AFTER LEAVING GOVERNMENT SERVICE. IN PARTICULAR, DESCRIBE ANY AGREEMENTS, UNDERSTANDINGS, OR OPTIONS TO RETURN TO YOUR CURRENT POSITION.

None.

24. IF YOU ARE PRESENTLY IN GOVERNMENT SERVICE, DURING THE PAST FIVE YEARS OF SUCH SERVICE, HAVE YOU RECEIVED FROM A PERSON OUTSIDE OF GOVERNMENT AN OFFER OR EXPRESSION OF INTEREST TO EMPLOY YOUR SERVICES AFTER YOU LEAVE GOVERNMENT SERVICE? IF YES, PLEASE PROVIDE DETAILS.

N/A.

25. IS YOUR SPOUSE EMPLOYED? IF YES AND THE NATURE OF THIS EMPLOYMENT IS RELATED IN ANY WAY TO THE POSITION FOR WHICH YOU ARE SEEKING CONFIRMATION, PLEASE INDICATE YOUR SPOUSE'S EMPLOYER, THE POSITION, AND THE LENGTH OF TIME THE POSITION HAS BEEN HELD. IF YOUR SPOUSE'S EMPLOYMENT IS NOT RELATED TO THE POSITION TO WHICH YOU HAVE BEEN NOMINATED, PLEASE SO STATE.

Since 2016, my spouse has been employed as the President of Rachel's Network, a non-profit philanthropic organization focused on women's leadership and environmental protection. This position is not related to the position to which I have been nominated.

Since 2010, she has served as a trustee on the Earthjustice Board of Trustees. This position is not related to the position to which I have been nominated.

26. LIST BELOW ALL CORPORATIONS, PARTNERSHIPS, FOUNDATIONS, TRUSTS, OR OTHER ENTITIES TOWARD WHICH YOU OR YOUR SPOUSE HAVE FIDUCIARY OBLIGATIONS OR IN WHICH YOU OR YOUR SPOUSE HAVE HELD DIRECTORSHIPS OR OTHER POSITIONS OF TRUST DURING THE PAST FIVE YEARS.

REDACTED

27. LIST ALL GIFTS EXCEEDING \$100 IN VALUE RECEIVED DURING THE PAST FIVE YEARS BY YOU, YOUR SPOUSE, OR YOUR DEPENDENTS. (NOTE: GIFTS RECEIVED FROM RELATIVES AND GIFTS GIVEN TO YOUR SPOUSE OR DEPENDENT NEED NOT BE INCLUDED UNLESS THE GIFT WAS GIVEN WITH YOUR KNOWLEDGE AND ACQUIESCENCE AND YOU HAD REASON TO BELIEVE THE GIFT WAS GIVEN BECAUSE OF YOUR OFFICIAL POSITION.)

None that I recall.

28. LIST ALL SECURITIES, REAL PROPERTY, PARTNERSHIP INTERESTS, OR OTHER INVESTMENTS OR RECEIVABLES WITH A CURRENT MARKET VALUE (OR, IF MARKET VALUE IS NOT ASCERTAINABLE, ESTIMATED CURRENT FAIR VALUE) IN EXCESS OF \$1,000. (NOTE: THE INFORMATION PROVIDED IN RESPONSE TO SCHEDULE A OF THE DISCLOSURE FORMS OF THE OFFICE OF GOVERNMENT ETHICS MAY BE INCORPORATED BY REFERENCE, PROVIDED THAT CURRENT VALUATIONS ARE USED.)

<u>DESCRIPTION OF PROPERTY</u>	<u>VALUE</u>	<u>METHOD OF VALUATION</u>
I incorporate by reference my SF 278		
Primary residence – Kensington, MD	\$803,800	State property tax assessment (1/1/2019)
Mineral acres in Williams County, ND	value not readily ascertainable	

29. LIST ALL LOANS OR OTHER INDEBTEDNESS (INCLUDING ANY CONTINGENT LIABILITIES) IN EXCESS OF \$10,000. EXCLUDE A MORTGAGE ON YOUR PERSONAL RESIDENCE UNLESS IT IS RENTED OUT, AND LOANS SECURED BY AUTOMOBILES, HOUSEHOLD FURNITURE, OR APPLIANCES. (NOTE: THE INFORMATION PROVIDED IN RESPONSE TO SCHEDULE C OF THE DISCLOSURE FORM OF THE OFFICE OF GOVERNMENT ETHICS MAY BE INCORPORATED BY REFERENCE, PROVIDED THAT CONTINGENT LIABILITIES ARE ALSO INCLUDED.)

<u>NATURE OF OBLIGATION</u>	<u>NAME OF OBLIGEE</u>	<u>AMOUNT</u>
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None.

30. ARE YOU OR YOUR SPOUSE NOW IN DEFAULT ON ANY LOAN, DEBT, OR OTHER FINANCIAL OBLIGATION? HAVE YOU OR YOUR SPOUSE BEEN IN DEFAULT ON ANY LOAN, DEBT, OR OTHER FINANCIAL OBLIGATION IN THE PAST TEN YEARS? HAVE YOU OR YOUR SPOUSE EVER BEEN REFUSED CREDIT OR HAD A LOAN APPLICATION DENIED? IF THE ANSWER TO ANY OF THESE QUESTIONS IS YES, PLEASE PROVIDE DETAILS.

No.

31. LIST THE SPECIFIC SOURCES AND AMOUNTS OF ALL INCOME RECEIVED DURING THE LAST FIVE YEARS, INCLUDING ALL SALARIES, FEES, DIVIDENDS, INTEREST, GIFTS, RENTS, ROYALTIES, PATENTS, HONORARIA, AND OTHER ITEMS EXCEEDING \$200. (COPIES OF U.S. INCOME TAX RETURNS FOR THESE YEARS MAY BE SUBSTITUTED HERE. BUT THEIR SUBMISSION IS NOT REQUIRED.)

REDACTED

32. IF ASKED, WILL YOU PROVIDE THE COMMITTEE WITH COPIES OF YOUR AND YOUR SPOUSE'S FEDERAL INCOME TAX RETURNS FOR THE PAST THREE YEARS?

Yes.

33. LIST ALL JURISDICTIONS IN WHICH YOU AND YOUR SPOUSE FILE ANNUAL INCOME TAX RETURNS.

We file federal, Maryland, Virginia, North Dakota, California, and Massachusetts income tax returns.

34. HAVE YOUR FEDERAL OR STATE TAX RETURNS BEEN THE SUBJECT OF AN AUDIT, INVESTIGATION, OR INQUIRY AT ANY TIME? IF SO, PLEASE PROVIDE DETAILS, INCLUDING THE RESULT OF ANY SUCH PROCEEDING.

I am not aware that our federal or state tax returns have been the subject of an audit or investigation.

At various times, we have received letters from the IRS regarding our returns. I have examined our records dating back to 1992 and have identified the following:

2019 – Letter from the State of Maryland dated November 23, 2020, indicating that we have a balance due on our 2019 Maryland tax return; pending resolution.

2015 – Letter from the State of Maryland dated June 30, 2016, providing notice that we overpaid our estimated tax.

2010 – Letter from the IRS dated March 21, 2011, requesting that we file a form 6251 (alternative minimum tax). No further action following our filing of the proper form.

2009 – Letter from the IRS dated May 3, 2010, increasing our refund based on a tax credit we did not claim.

2006 – Letter from the IRS dated May 22, 2007, requesting that we file a form 6251 (alternative minimum tax). No further action following the filing of the proper form.

2003 – Letter from the IRS dated May 24, 2004, increasing our refund based on an error in computing our child tax credit.

1992 – Letter from the IRS dated February 15, 1995, concluding that our 1992 tax return was accurate, based on records I provided to the IRS in 1994 regarding \$3,961 I received in travel reimbursements

35. IF YOU ARE AN ATTORNEY, ACCOUNTANT, OR OTHER PROFESSIONAL, PLEASE LIST ALL CLIENTS AND CUSTOMERS WHOM YOU BILLED MORE THAN \$200 WORTH OF SERVICES DURING THE PAST FIVE YEARS. ALSO, LIST ALL JURISDICTIONS IN WHICH YOU ARE LICENSED TO PRACTICE.

None.

36. DO YOU INTEND TO PLACE YOUR FINANCIAL HOLDINGS AND THOSE OF YOUR SPOUSE AND DEPENDENT MEMBERS OF YOUR IMMEDIATE HOUSEHOLD IN A BLIND TRUST? IF YES, PLEASE FURNISH DETAILS. IF NO, DESCRIBE OTHER ARRANGEMENTS FOR AVOIDING ANY POTENTIAL CONFLICTS OF INTEREST.

No. I do not believe that the position for which I am nominated will present conflicts of interests with our financial holdings. I have consulted with designated ethics officials and am prepared to take appropriate steps to avoid any potential conflicts of interest.

37. IF APPLICABLE, ATTACH THE LAST THREE YEARS OF ANNUAL FINANCIAL DISCLOSURE FORMS YOU HAVE BEEN REQUIRED TO FILE WITH YOUR AGENCY, DEPARTMENT, OR BRANCH OF GOVERNMENT.

N/A

PART E - ETHICAL MATTERS UPDATE

38. HAVE YOU EVER BEEN THE SUBJECT OF A DISCIPLINARY PROCEEDING OR CITED FOR A BREACH OF ETHICS OR UNPROFESSIONAL CONDUCT BY, OR BEEN THE SUBJECT OF A COMPLAINT TO, ANY COURT, ADMINISTRATIVE AGENCY, PROFESSIONAL ASSOCIATION, DISCIPLINARY COMMITTEE, OR OTHER PROFESSIONAL GROUP? IF SO, PROVIDE DETAILS.

I am aware of one professional complaint, detailed below:

In 2002, I was the subject of a complaint to the Department of Justice Office of Professional Responsibility (OPR) for professional misconduct in connection with a grand jury investigation in *United States v. Kevin Gray* (D.D.C). The matter was resolved in my favor with a finding that I did not commit professional misconduct or exercise poor judgment in seeking and compelling the production of documents and testimony from a defense attorney regarding his receipt of attorney's fees from a defendant. This determination was memorialized in a letter from OPR to me dated May 2, 2002.

39. HAVE YOU EVER BEEN INVESTIGATED, HELD, ARRESTED, OR CHARGED BY ANY FEDERAL, STATE, OR OTHER LAW ENFORCEMENT AUTHORITY FOR VIOLATION OF ANY FEDERAL STATE, COUNTY, OR MUNICIPAL LAW, REGULATION, OR ORDINANCE, OTHER THAN A MINOR TRAFFIC OFFENSE, OR NAMED AS A DEFENDANT OR OTHERWISE IN ANY INDICTMENT OR INFORMATION RELATING TO SUCH VIOLATION? IF SO, PROVIDE DETAILS.

No.

40. HAVE YOU EVER BEEN CONVICTED OF OR ENTERED A PLEA OF GUILTY OR NOLO CONTENDERE TO ANY CRIMINAL VIOLATION OTHER THAN A MINOR TRAFFIC OFFENSE? IF SO, PROVIDE DETAILS.

No.

41. ARE YOU PRESENTLY OR HAVE YOU EVER BEEN A PARTY IN INTEREST IN ANY ADMINISTRATIVE AGENCY PROCEEDING OR CIVIL LITIGATION? IF SO, PLEASE PROVIDE DETAILS.

No.

42. HAVE YOU BEEN INTERVIEWED OR ASKED TO SUPPLY ANY INFORMATION AS A WITNESS OR OTHERWISE IN CONNECTION WITH ANY CONGRESSIONAL INVESTIGATION, FEDERAL, OR STATE AGENCY PROCEEDING, GRAND JURY INVESTIGATION, OR CRIMINAL OR CIVIL LITIGATION IN THE PAST TEN YEARS? IF SO, PROVIDE DETAILS.

On February 16, 2016, I testified before the House of Representatives Select Committee on the Events Surrounding the 2012 Terrorist Attack in Benghazi

43. HAS ANY BUSINESS OF WHICH YOU ARE OR WERE AN OFFICER, DIRECTOR, OR PARTNER BEEN A PARTY TO ANY ADMINISTRATIVE AGENCY PROCEEDING OR CRIMINAL OR CIVIL LITIGATION RELEVANT TO THE POSITION TO WHICH YOU HAVE BEEN NOMINATED? IF SO, PROVIDE DETAILS. (WITH RESPECT TO A BUSINESS OF WHICH YOU ARE OR WERE AN OFFICER, YOU NEED ONLY CONSIDER PROCEEDINGS AND LITIGATION THAT OCCURRED WHILE YOU WERE AN OFFICER OF THAT BUSINESS.)

No.

44. HAVE YOU EVER BEEN THE SUBJECT OF ANY INSPECTOR GENERAL INVESTIGATION? IF SO, PROVIDE DETAILS.

No. During my time at the Department of Justice, I have been asked by the Department of Justice Office of Inspector General (OIG) to provide information related to my job responsibilities in connection with audits and reviews conducted by that Office. I have no reason to believe I was the subject of any investigation.

PART F - SECURITY INFORMATION UPDATE

45. HAVE YOU EVER BEEN DENIED ANY SECURITY CLEARANCE OR ACCESS TO CLASSIFIED INFORMATION FOR ANY REASON? IF YES, PLEASE EXPLAIN IN DETAIL.

No.

46. HAVE YOU BEEN REQUIRED TO TAKE A POLYGRAPH EXAMINATION FOR ANY SECURITY CLEARANCE OR ACCESS TO CLASSIFIED INFORMATION? IF YES, PLEASE EXPLAIN.

Yes. In 2010, I took a polygraph examination in connection with my position with the National Security Agency as General Counsel. In 2020, I took a polygraph examination in connection with my position as a member of the NSA advisory panel.

47. HAVE YOU EVER REFUSED TO SUBMIT TO A POLYGRAPH EXAMINATION? IF YES, PLEASE EXPLAIN.

No.

PART G - ADDITIONAL INFORMATION UPDATE

48. DESCRIBE IN YOUR OWN WORDS THE CONCEPT OF CONGRESSIONAL OVERSIGHT OF U.S. INTELLIGENCE ACTIVITIES. IN PARTICULAR, CHARACTERIZE WHAT YOU BELIEVE TO BE THE OBLIGATIONS OF THE DIRECTOR OF THE NATIONAL COUNTERTERRORISM CENTER AND THE INTELLIGENCE COMMITTEES OF THE CONGRESS RESPECTIVELY IN THE OVERSIGHT PROCESS.

Congressional oversight is essential to the effective conduct of intelligence activities. The obligation of the Assistant Attorney General for National Security is to assist the Committee in carrying out its legitimate oversight duties and to foster a cooperative relationship with the intelligence community and oversight committees.

The Intelligence Community's responsibility to provide information to Congress is embodied in Title 5 of the National Security Act of 1947, which requires the Intelligence Community to keep the congressional intelligence committees "fully and currently informed" of significant intelligence activities, significant anticipated intelligence activities, and significant intelligence failures. In my view and based on my experience, congressional oversight is fundamental to the Intelligence Community's ability to operate within the structure of our government. First, congressional oversight is essential to improving the quality of intelligence and the effective, efficient operation of the Intelligence Community. Members of Congress bring a vital perspective to the difficult issues the Intelligence Community faces. In addition, oversight is critical in building the trust of both Congress and the American people that the Intelligence Community exercises its authority in a manner that is appropriately transparent and protects the civil liberties and privacy rights of U.S. citizens. In this way, I firmly believe the oversight process provides an essential check on the Intelligence Community, and I believe in and value the congressional oversight process. If I am confirmed as the Assistant Attorney General for National Security, I am committed to continuing the practice of open communication and transparency with the congressional oversight committees.

49. EXPLAIN YOUR UNDERSTANDING OF THE RESPONSIBILITIES OF THE ASSISTANT ATTORNEY GENERAL OF THE NATIONAL SECURITY DIVISION.

Congress created the National Security Division to carry out the mission of Department of Justice to protect the United States from threats to our national security by pursuing justice under the law. To strengthen the effectiveness of the federal government's national security efforts, the Division ensures coordination and unity of purpose between prosecutors and law enforcement agencies and the intelligence community.

The responsibility of the Assistant Attorney General (AAG) for National Security is to lead the Division in discharging its duties and functions, as prescribed in statute and regulation. *See* 28 C.F.R. § 0.72. To that end, the AAG oversees the work of the Division, coordinates closely with the Department's law enforcement and interagency partners on national security matters, and acts as the Department's liaison with the intelligence community. Among other duties, the AAG oversees the Counterterrorism Section and the Counterintelligence and Export Control Section, which supervise national security investigations and prosecutions, including through consultation and approvals required by the Justice Manual. The AAG also oversees and approves applications for orders under the Foreign Intelligence Surveillance Act of 1978 (FISA) and represents the United States before the Foreign Intelligence Surveillance Court and the Foreign Intelligence Surveillance Court of Review. The AAG advises the Attorney General on matters related to the national security activities of the United States and ensures that all the Department's national security activities are effectively coordinated. The AAG represents the Attorney General on the Committee on Foreign Investment in the United States (CFIUS) and the Committee for the Assessment of Foreign Participation in the United States Telecommunications Services Sector (known as "Team Telecom"). The AAG provides advice and legal assistance to government agencies on matters of national security law and represents the Department on interagency committees dealing with national security matters. The AAG also participates in international engagements with counterparts in foreign countries and international organizations to coordinate on operational and policy matters in furtherance of Department priorities relating to national security. The AAG has numerous additional important responsibilities in furthering the Department's national security mission and ensuring its efforts are consistent with statute, Executive Order, regulations, and the United States Constitution.

In all efforts, the AAG should sustain and advance partnerships to ensure that the federal government's national security efforts are guided by law, informed by intelligence, focused on threats, and empowered with appropriate tools. The AAG works with this Committee and others in the legislative branch to keep Congress fully and currently apprised of the information needed to carry out its vital oversight and legislative functions.

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AFFIDAVIT

I, Matthew G. Olsen, do swear that the information provided in this statement is, to the best of my knowledge, true and accurate.

MATTHEW OLSEN SIGNATURE

NOTARY SIGNATURE

TO THE CHAIRMAN, SELECT COMMITTEE ON INTELLIGENCE:

In connection with my nomination to be the Assistant Attorney General for the National Security Division at the United States Department of Justice, I hereby express my willingness to respond to requests to appear and testify before any duly constituted committee of the Senate.

MATTHEW OLSEN SIGNATURE

Date: June 14, 2021

**SELECT COMMITTEE ON
INTELLIGENCE**

UNITED STATES SENATE



**Additional Pre-Hearing Questions for
Matthew G. Olsen upon his nomination to be Assistant Attorney General for the National
Security Division, Department of Justice**

Keeping the Intelligence Committee Fully and Currently Informed

QUESTION 1: Section 502 of the National Security Act of 1947 provides that the obligation to keep the congressional intelligence committees fully and currently informed of all intelligence activities applies not only to the Director of National Intelligence (DNI) but also to “the heads of all departments, agencies, and other entities of the United States Government involved in intelligence activities.” Section 503 establishes a similar requirement concerning covert actions. Sections 502(a)(2) and 503(b)(2) provide that these officials shall “furnish to the congressional intelligence committees any information or material” concerning intelligence activities or covert actions, including the legal basis for them, that is requested by either of the committees in order to carry out its authorized responsibilities. Finally, 28 C.F.R. § 0.72(a)(1) provides that the Assistant Attorney General for National Security (AAG/NS) shall conduct, handle, or supervise the “brief[ing] of Congress, as appropriate, on matters relating to the national security activities of the United States[.]”

- a. What is your understanding of the obligation of the Attorney General and the Director of the Federal Bureau of Investigation (FBI) to keep the congressional intelligence committees, including all their Members, fully and currently informed?

RESPONSE: Section 502 of the National Security Act of 1947 imposes an obligation on the Director of National Intelligence and the heads of all agencies involved in intelligence activities to keep the congressional intelligence committees “fully and currently informed of all intelligence activities ... including any significant anticipated intelligence activity and any significant intelligence failure.” I understand that the National Security Act also provides that this responsibility be exercised “to the extent consistent with due regard for the protection from unauthorized disclosure of classified information relating to sensitive intelligence sources and methods or other exceptionally sensitive matters.” These obligations apply to intelligence activities undertaken by the FBI and DEA components that are part of the Intelligence Community. The Attorney General, like all department heads, has responsibility for ensuring that Intelligence Community elements within the Department fulfill this obligation with respect to their activities. In addition, applicable regulation provides that the Assistant Attorney General for National Security shall “brief Congress, as appropriate, on matters relating to the national security activities of the United States,” and shall “advise and assist the Attorney General in carrying out his responsibilities...related to intelligence, counterintelligence, or national security matters.”

- b. To what activities of the Department of Justice (Department), including the FBI, does this obligation ordinarily apply?

RESPONSE: The FBI and DEA have obligations to keep the congressional intelligence committees fully and currently informed about their intelligence activities, as set forth in Section 502 of the National Security Act. These pertain to certain activities of the FBI's National Security Branch and the Drug Enforcement Administration (DEA)'s Office of National Security Intelligence, both of which are Intelligence Community elements.

- c. What is your understanding of the Attorney General's obligation to provide to the congressional intelligence committees any information or material concerning the legal basis for intelligence activities or covert actions, which either committee requests in order to carry out its legislative or oversight responsibilities?

RESPONSE: The congressional intelligence committees play an essential role in overseeing and authorizing the Executive Branch's intelligence activities. To effectively discharge that function, the committees must receive timely information concerning the legal basis for intelligence activities or covert actions, as Sections 502 and 503 provide. The intelligence agencies are required to provide information or material relating to their own intelligence activities to the committees as set forth in the National Security Act. The Attorney General is responsible for ensuring that Intelligence Community elements within the Department fulfill this obligation with respect to their activities.

- d. The Committee utilizes detailed information on the overall national security threat environment and other intelligence matters to fulfill its intelligence authorization and oversight functions. Do you agree that the Department and the FBI should fully notify and brief the congressional intelligence committees on potential counterterrorism and counterintelligence threats to the United States, as well as FBI intelligence-related activities to thwart such threats?

RESPONSE: Yes. I agree that the Department, including the FBI, should fully notify and brief the congressional intelligence committees on potential counterterrorism and counterintelligence threats to the United States, as well as the Department's intelligence-related activities to thwart such threats.

- e. The Committee's legislative and oversight responsibilities include assessing the utility and effectiveness of counterterrorism and counterintelligence authorities, as well as the legality of those authorities as applied. Do you agree that the Department's and FBI's notifications and briefings should include detailed information on these authorities, as well as their use in ongoing and completed investigations?

RESPONSE: Yes. I agree that the notifications and briefings of the Department, including the FBI, should include detailed information on these authorities. These intelligence briefings must be conducted in a manner which keeps the intelligence committees fully informed as required, consistent with law enforcement and intelligence responsibilities. Ensuring meaningful oversight of these activities is critical to public confidence that these authorities are being used appropriately and effectively.

Liaison to the Director of National Intelligence

QUESTION 2: Pursuant to 28 U.S.C. § 507A(b)(2), the AAG/NS “shall serve as primary liaison” to the DNI for the Department.

- a. What is your understanding of how past AAG/NS’s have performed this responsibility? Describe the principal ways in which the AAG/NS should carry out this responsibility and the principal matters that the AAG/NS should address in performing this responsibility.

RESPONSE: As the Department’s primary liaison to the DNI, the AAG/NS, supported by the National Security Division, works closely with the Office of the Director of National Intelligence (ODNI) and the Office of General Counsel for ODNI. NSD was created, in part, to better align law enforcement and intelligence efforts countering national security threats and to ensure appropriate coordination and deconfliction of efforts. The AAG/NS plays a critical role in ensuring that intelligence equities are appropriately considered when making decisions in law enforcement matters, and similarly, ensuring that equities related to criminal investigations and cases are appropriately considered when making decisions in intelligence matters. The AAG/NS carries out this responsibility through regular consultations and coordination with ODNI and its Office of General Counsel, thereby facilitating protection of national security consistent with the law.

- b. Have you discussed with the DNI, and with personnel in the Office of the Director of National Intelligence (ODNI), your respective understandings of that responsibility? If so, please describe.

RESPONSE: No, I have not had the opportunity to speak to the Director of National Intelligence regarding our respective understandings of this responsibility. If confirmed, I look forward to working in partnership with DNI Haines and ODNI to discharge this critical role.

Priorities of the National Security Division and the Attorney General

QUESTION 3: Have you discussed with the Attorney General his specific expectations of you, if confirmed as Assistant Attorney General, and his expectations of the National Security Division (NSD) as a whole? If so, please describe those expectations.

RESPONSE: I have not had the opportunity to speak with the Attorney General about his specific expectations of the AAG/NS or the National Security Division as a whole. However, the Attorney General and I have discussed his general views regarding the important role of the Assistant Attorney General for National Security and the National Security Division. Based on that conversation, I know that the Attorney General and I share the belief that NSD plays an essential role in safeguarding the nation and that the Division must always pursue its mission to seek justice based only on the facts and the law.

QUESTION 4: Based on your experience in, and current understanding of, NSD, please provide any observations or recommendations related to the strengths or weaknesses of NSD, including its organization, responsibilities, personnel, allocation of resources, and any other matters that you believe are relevant to strengthening NSD.

RESPONSE: I am not familiar with changes to the organizational structure, responsibilities, personnel, and allocation of resources of the National Security Division that may have occurred since I was last in government. If confirmed, I will prioritize efforts to support and strengthen the Division's work.

Oversight of Intelligence Activities

QUESTION 5: Pursuant to 28 C.F.R. § 0.72(17), the AAG/NS shall “[p]rovide oversight of intelligence, counterintelligence, or national security matters by executive branch agencies to ensure conformity with applicable law, executive branch regulations, and Departmental objectives and report to the Attorney General on such activities.”

- a. What is your understanding of NSD's oversight role, including the manner in which it has been exercised, concerning the FBI's intelligence activities?

RESPONSE: To ensure compliance with the Constitution, statutes, and Executive Branch policies, the Office of Intelligence Oversight Section is responsible for the legal oversight of IC agencies' implementation of FISA authorities and certain other national security activities conducted by FBI. In fulfilling this responsibility, the Oversight Section conducts oversight reviews or audits at certain IC agencies, including the FBI, and investigates and reports compliance matters to the FISC and Congress. As part of its compliance work, the Oversight Section identifies individual and systemic incidents of non-compliance and works with the responsible agencies to correct existing problems and limit the occurrence of future incidents. In addition to its broad intelligence collection oversight responsibilities, the Oversight Section also fulfills various reporting obligations of the Department.

- b. What is your understanding of NSD's oversight role undertaken in the offices of United States Attorneys, including the manner in which it has been exercised?

RESPONSE: Based upon my experience as a Deputy Assistant Attorney General and the Acting Assistant Attorney General in the National Security Division, my understanding is that NSD is responsible for ensuring that national security activities conducted by United States Attorney's Offices are coordinated as part of a national program. To fulfill that responsibility, NSD supervises the application of most federal criminal laws related to counterterrorism and counterespionage. Through its authority to approve the use of certain statutes in national security prosecutions, NSD seeks to ensure a coordinated and consistent approach in combating national security threats. NSD also ensures that the Department's national security activities are coordinated with the Intelligence Community and other members of the Executive Branch's national security apparatus.

- c. What is your understanding of NSD's oversight role, including the manner in which it has been exercised, concerning the IC's intelligence activities outside of the Department?

RESPONSE: Based upon my experience as a Deputy Assistant Attorney General and the Acting Assistant Attorney General in the National Security Division, my understanding is that NSD exercises its oversight responsibilities with respect to elements of the Intelligence Community outside the Department of Justice in several ways. First, through its role as the government's representative before the FISC, NSD reviews and submits all FISA applications on behalf of the applicable Intelligence Community agencies and monitors compliance by these Intelligence Community agencies with orders from the FISC. In addition, together with ODNI, NSD oversees FISC-approved legal procedures. The Office of Intelligence Oversight Section is responsible for the legal oversight of IC agencies' implementation of FISA authorities. That includes working with ODNI to review acquisition under Section 702 of FISA to ensure compliance with targeting, minimization, and querying procedures established pursuant to the statute.

Additionally, NSD performs oversight through its role as the liaison to the Director of National Intelligence. In that role, NSD reviews policies that require consultation and approval by the Attorney General under Executive Order 12333. Lastly, NSD, along with other Department components, may participate in National Security Council policy development and decision-making meetings in which intelligence activities are subject to legal and policy discussion.

- d. Are there improvements, in terms of resources, methodology, and objectives in the conduct of this oversight that you believe should be considered?

RESPONSE: I am not currently at the Department and do not know the specific details regarding the existing resources, methodology, and objectives with respect to oversight activity. If confirmed, I look forward to managing the important oversight function of the Division and will determine if additional resources or other improvements are needed.

Foreign Intelligence Surveillance Act

QUESTION 6: Pursuant to 28 C.F.R. § 0.72(6), the AAG/NS shall administer the Foreign Intelligence Surveillance Act (FISA).

- a. What responsibility does NSD have with regard to ensuring that representations made to the United States courts, both by other Department elements and by Intelligence Community (IC) elements, are accurate and complete with regard to intelligence activities and other classified matters? What responsibility does NSD have to correct any inaccurate or incomplete representations? Please describe how NSD fulfills this responsibility.

RESPONSE: NSD has the responsibility to ensure that the Division's representations in court are accurate and complete, and to strive to ensure that the same is true of representations made by the Intelligence Community in matters handled by NSD. If there are material mistakes, NSD must inform the courts promptly and work with the Intelligence Community to correct them. To fulfill this responsibility, NSD attorneys must work diligently to understand the facts of intelligence activities and other national security-related matters that may be at issue in litigation or other matters for which they are responsible. With regard to FISA applications in particular, I am aware that NSD and the FBI have undertaken a number of measures in recent months to improve the accuracy of information presented to the court

- b. Based on your experience in and current understanding of NSD, what improvements, if any, would you make to the administration of FISA, in terms of policies, resources, technology, and relations with both the Foreign Intelligence Surveillance Court (FISC) and IC elements?

RESPONSE: I am not currently at the Department and do not know the current policies, resources, technology, and relations the National Security Division has with the Foreign Intelligence Surveillance Court and Intelligence Community elements. If confirmed, I will ensure that the Division continues to implement policies designed to improve the accuracy of information presented to the FISC and that the Division has the appropriate policies, resources and technology.

- c. The former Chairman of the Privacy and Civil Liberties Oversight Board recently released a White Paper titled, *Oversight of the Foreign Intelligence Surveillance Act* in which he recommended that DOJ pursue opportunities to make the FISA oversight process more efficient, stating, "Congress should support and provide greater funding for DOJ's efforts to deploy automated oversight tools augment manual reviews." What improvements, if any, would you make to improve the efficiency of FISA oversight?

RESPONSE: If confirmed, I will work with the oversight personnel in NSD to determine whether additional funding is needed to develop automated tools to assist the Division's oversight and compliance work.

- d. What is the role of NSD in the declassification of FISC opinions? What changes, if any, would you make to this process?

RESPONSE: Because I am not currently working at the Department, I am not privy to the current role of NSD in the declassification of FISC opinions. I am aware that the Department is required by existing law to conduct a declassification review of significant opinions and orders, and that the government has released many such opinions. If confirmed, I will ensure the Division meets this obligation and supports meaningful transparency in the FISA process, where it can be achieved consistent with the need to protect national security information. If confirmed, I will review the current declassification review process to determine if any changes are needed.

QUESTION 7: On March 15, 2020, three FISA authorities expired, known as the Business Records, Lone Wolf, and Roving authorities.

- a. If confirmed, how will you pursue reauthorizing these intelligence tools?

RESPONSE: If confirmed, I will work with the Department's leadership and with Congress to evaluate the operational effects of the expiration of these authorities, as well as the potential operational effects of any legislative proposals to reauthorize them.

- b. If confirmed, how do you plan to prioritize these efforts, particularly with regard to our foreign adversaries, such as China, Russia, Iran, and North Korea?

RESPONSE: If confirmed, I will request a briefing from the FBI and NSD personnel to better understand how the expired authorities were used to counter national security threats posed by foreign adversaries.

QUESTION 8: Title VII of FISA, which includes foreign-based collection authorities, expires at the end of 2023. Do you support reauthorization for a period of years or making these provisions permanent? Please provide the principal reasons for your support.

RESPONSE: Based on my previous experience at the Department, the National Security Agency, and the National Counterterrorism Center, I believe that Title VII of FISA, including Section 702, is a vital national security tool. Section 702 provides critical authorities for collecting foreign intelligence to protect our national security. The Title VII authorities have been reauthorized twice since 2008 in a bipartisan manner by Congress. Permanent reauthorization would ensure that these important tools remain available to the Intelligence Community to counter international terrorism activities and other national security threats such as international terrorism and espionage. Should the Title VII authorities be permanently reauthorized, Congress would maintain oversight of the implementation of these tools through various reporting requirements in Title VII.

Encryption

QUESTION 9: Our adversaries' abilities to evade lawful surveillance authorities by using various encryption methods has hindered our intelligence collection and poses risks to our national security. The Intelligence Community and Department of Justice have been vocal in their challenges caused by encryption.

- a. If confirmed, what position will you take regarding encryption in general, and specifically regarding mandatory decryption for national security and law enforcement investigations?

RESPONSE: Strong encryption is an essential element of protecting individual privacy and security from evolving cyber threats. However, encryption that is implemented without the ability to respond to lawful orders from law enforcement may pose a significant challenge to federal, state, and local authorities in investigations ranging from international terrorism to child exploitation. If confirmed, I will work with this Committee and others in Congress to identify potential solutions that address law enforcement's legitimate and demonstrated needs to protect public safety, while respecting the civil liberties, economic, and cybersecurity imperatives that have driven the widespread adoption of strong encryption globally.

- b. If confirmed, in your role as AAG, how will you consider and give deference to the encryption challenges faced by Intelligence Community agencies and the Department of Justice in their national security and law enforcement investigations?

RESPONSE: If confirmed, I will examine the various legislative proposals that have been introduced on encryption and lawful access, and will work with the Criminal Division, the FBI, and other components of the Justice Department to understand how the challenge has evolved for law enforcement at both the federal and state/local levels in national security, child exploitation, and other cases. I will also work with the DNI to understand the particular challenges faced by the Intelligence Community.

Ransomware and Digital Extortion

QUESTION 10: If confirmed, what are your plans for implementing, on NSD's behalf, the Ransomware and Digital Extortion Guidance, as described in Deputy Attorney General Monaco's June 3, 2021 Memorandum?

RESPONSE: I am not at the Department and cannot speak to plans for implementing the Deputy Attorney General's recent guidance. I know the Department is committed to combatting ransomware and that NSD plays an important role in those efforts. Ransomware is a serious threat to public safety. The government must help victims fight ransomware, including by working with foreign partners and the private sector. Criminal deterrence through investigation and prosecution is also a critical part of addressing this threat. Law enforcement must also target the infrastructure that supports ransomware. This includes vendors that sell malware, services that help conceal malware from anti-virus software, and money launderers. The international reach of ransomware means countries must work together to prevent these attacks. If confirmed, I would look to learn more about work already underway and building on DOJ's successes in working with foreign partners to disrupt ransomware attacks and other malicious cyber activities.

Protection of Classified Information

QUESTION 11: Describe your understanding of the personnel resources that NSD should devote to the prosecution of unauthorized disclosures of classified information, and how NSD should divide responsibility on these matters with the Criminal Division. Please describe any recommendations related to prosecutions connected to unauthorized disclosures of classified information with regard to Department policies and resources.

RESPONSE: Unauthorized disclosures of classified information can pose a serious risk to the nation's security, including to the government's sources of information and methods of information gathering. Effective enforcement of laws forbidding such disclosure has both a specific and general deterrent effect. Because I have not been with the Department since 2010, I am not privy to the personnel resources that NSD uses to investigate and prosecute unauthorized disclosures of classified information, nor am I aware of how responsibility for these matters may be shared with the Criminal Division.

QUESTION 12: Pursuant to 28 C.F.R. § 0.72(a)(1), the AAG/NS has the responsibility to advise the Attorney General, the Office of Management and Budget, and the White House on matters relating to national security. In addition, pursuant to 28 C.F.R. § 0.72(a)(7), the AAG/NS has the responsibility to prosecute crimes involving national security, foreign relations, and terrorism.

- a. Describe your understanding of the personnel resources within NSD that should be devoted to the prosecution of media leak cases, and how NSD should divide responsibility on these matters with the Criminal Division.

RESPONSE: Because I have not been with the Department since 2010, I do not know what personnel resources NSD uses to investigate and prosecute media leak cases. Nor do I know how responsibility for these matters is shared with the Criminal Division. I understand from public reporting that the Attorney General has announced a change in policy and longstanding practice that would prohibit DOJ from seeking subpoenas or other compulsory legal process in investigations into the unauthorized disclosure of classified information "to obtain source information from members of the news media who are doing their jobs." If confirmed, I would ensure that the National Security Division adheres to the Department's policy.

- b. Describe your understanding of the role that NSD has played since its inception in media leak prosecutions in United States district courts and on appeal to the United States courts of appeals.

RESPONSE: The National Security Division is charged with the mission of protecting the United States from threats to our national security. This responsibility includes the protection of classified information against unauthorized disclosures, including by supporting, consistent with Departmental policies, investigations and prosecutions of violations of federal law.

- c. Are there any steps that the Department could take to increase the number of individuals who are prosecuted for making unauthorized disclosures of classified information to members of the news media? If so, please describe.

RESPONSE: Because I have not been with the Department since 2010, I am not familiar with steps the Department may be taking, or could take, to increase the number of prosecutions in such cases. If confirmed, I will study this issue and make any needed improvements to ensure the robust protection of classified information in a manner consistent with Department policy and our national values.

- d. Are there any additional steps that the U.S. government as a whole should take to prevent the unauthorized disclosures of classified information from occurring? If so, please describe.

RESPONSE: Because I have not been with the Department since 2010, I am not familiar with steps the government as a whole may be taking, or could take, to combat unauthorized disclosures of classified information. If confirmed, I will study this issue and make any needed improvements to ensure the robust protection of classified information in a manner consistent with Department policy and our national values.

- e. Are there any additional steps that the U.S. government as a whole should take to prevent the unauthorized removal and retention of classified information from occurring? If so, please describe.

RESPONSE: Because I have not been with the Department since 2010, I am not familiar with the steps the government as a whole may be taking to prevent the unauthorized removal and retention of classified information. I look forward to learning more about the steps the Department and government are taking and further studying this issue to determine whether more should be done.

- f. Please describe your understanding of NSD's prepublication review responsibilities and the administrative and judicial review, which is available to an officer or employee, or former officer or employee, with respect to the Department's exercise of prepublication authorities, including those applicable to the FBI. In answering this question, please provide your evaluation of the extent to which present and former officers and employees of the Department adhere to their prepublication obligations.

RESPONSE: As a condition of obtaining a security clearance, individuals agree to submit to the government any materials intended for publication that may contain classified information, so that the government can review such materials to prevent the inadvertent disclosure of classified information. NSD conducts prepublication review for certain individuals, including current and former Department officials and employees. I am aware that there is some ongoing litigation related to the scope of the prepublication review process, brought by former government officials. I have always sought to uphold my own prepublication review obligations.

Obtaining Approvals from the Department/National Security Undercover Operations

QUESTION 13: In general, if a particular investigative authority has been underutilized because of governmental administrative burdens, are you committed to eliminating unnecessary administrative burdens so that intelligence professionals are more willing to use the authority?

RESPONSE: Yes. If confirmed, I am committed to eliminating unnecessary administrative burdens that may be inhibiting intelligence professionals from lawfully and appropriately using their authorities.

- a. What is your understanding of how long it takes for the FBI to obtain authority for exemptions in national security undercover operations?

RESPONSE: Because I am not currently working at the Department, I do not know how long it takes for the FBI to obtain authority for exemptions in national security undercover operations. It is my understanding that the length of the process varies depending upon several factors, including the complexity of the undercover operation and the amount of information contained in the authorization request. If confirmed, I would seek to fully understand the current process and identify any areas where it could be more efficient.

- b. What additional steps should the Department take to ensure to eliminate unnecessary delays?

RESPONSE: Because I am not currently working at the Department, I do not know the current process, or whether there are additional steps the Department should take to avoid unnecessary delay. If confirmed, I look forward to working on this issue and ensuring that there are no unnecessary administrative burdens

Counterterrorism Prosecutions

QUESTION 14: Pursuant to 28 C.F.R. § 0.72(a)(8), the AAG/NS has the responsibility to “[p]rosecute and coordinate prosecutions and investigations targeting individuals and organizations involved in terrorist acts at home or against U.S. persons or interests abroad, or that assist in the financing of or providing support to those acts[.]”

- a. Describe your understanding of the personnel resources that NSD should devote to the prosecution of terrorism cases.

RESPONSE: The Department's highest priority is protecting the nation against acts of terrorism, espionage and other national security threats. The National Security Division plays a critical role in achieving that mission. Because I am not currently at the Department, however, I am not privy to the personnel resources of NSD that are dedicated to the prosecution of terrorism cases. If confirmed, I will work to ensure that resources are appropriately allocated to this work.

- b. Describe your understanding of the role that NSD has played since its inception in terrorism prosecutions in United States district courts and on appeal to the United States courts of appeals.

RESPONSE: Since its inception, the National Security Division has played a key role in terrorism prosecutions in the United States district courts. I am aware that the Division has also added an appellate capability in national security cases. Through its authority to approve the use of certain statutes in terrorism prosecutions, NSD seeks to ensure a coordinated and consistent approach in combating terrorism threats. NSD also ensures that the Department's counterterrorism activities are coordinated with other elements of the Intelligence Community.

- c. Describe what role NSD will play, if any, in prosecutions before military commissions.

RESPONSE: NSD attorneys support the work of military prosecutors before the military commissions, and NSD is responsible for handling related appeals to the U.S. Court of Appeals for the District of Columbia. I expect that work to continue as the Division seeks justice for those who died on September 11, 2001, and in other attacks.

Counterespionage Prosecutions

QUESTION 15: Pursuant to 28 C.F.R. § 0.72(a)(7), the AAG/NS has the responsibility to “[p]rosecute federal crimes involving national security, foreign relations and terrorism[.]”

- a. Describe your understanding of the personnel resources that NSD should devote to the prosecution of espionage cases.

RESPONSE: The Department's highest priority is protecting our nation against acts of terrorism, espionage and other national security threats. NSD plays a critical role in achieving that mission. Because I am not currently at the Department, however, I am not privy to the personnel resources of NSD that are dedicated to the prosecution of espionage cases. If confirmed, I will ensure personnel resources are appropriately allocated to this work.

- b. Describe your understanding of the role that NSD has played since its inception in espionage prosecutions in United States district courts and on appeal to the U.S. courts of appeals.

RESPONSE: Based upon my experience as a Deputy Assistant Attorney General for the NSD and Acting Assistant Attorney General for National Security, NSD has played a key role since its inception in espionage prosecutions in the United States district courts. Through its authority to approve the use of certain statutes in espionage prosecutions, NSD seeks to ensure a coordinated and consistent approach in combating the threat of espionage. NSD also ensures that the Department's counterintelligence activities are coordinated with other elements of the Intelligence Community.

Foreign Investment Review Section/CFIUS

QUESTION 16: What is your vision for the Foreign Investment Review Section (FIRS)?

RESPONSE: I am aware that the Foreign Investment Review Section (FIRS) has grown rapidly in recent years, in particular due to expanded CFIUS jurisdiction as a result of the Foreign Investment Risk Review Modernization Act of 2018 (FIRRMA); and the issuance of Executive Order 13913, which established the Committee for the Assessment of Foreign Participation in the United States Telecommunications Services Sector (also known as Team Telecom) and established the Attorney General as the Chair of that Committee. If confirmed, I will ensure that the Section continues to represent DOJ as an active member of CFIUS; enable the Attorney General to execute his duties as Chair of Team Telecom, and help protect U.S. telecommunications networks from exploitation by foreign adversaries; and conduct robust compliance and enforcement activities to help ensure that mitigation agreements effectively address national security risks presented by CFIUS and Team Telecom matters.

QUESTION 17: What foreign investment, if any, requires extra scrutiny in order to protect national security interests? From which countries and in what sectors?

RESPONSE: Because I am not currently working at the Department, and much has changed since I was last in government, I am not in a position to opine on what foreign investment requires extra scrutiny. I do know, however, that among the foreign investment that is of particular interest to the Department are transactions that implicate telecommunications equipment and services, and transactions that implicate the privacy of the sensitive personal data of U.S. persons. If confirmed, I will ensure that the Department scrutinizes foreign investment based on robust risk assessments of the threat, vulnerabilities, and consequences posed by each transaction under review.

QUESTION 18: As the Attorney General's representative on the Committee on Foreign Investment in the United States, if confirmed, what would be your approach to CFIUS reviews?

RESPONSE: Because I am not currently working at the Department, and much has changed since I was last in government, I am not specifically familiar with the Attorney General's approach to CFIUS reviews. However, I understand that the Department is among the most active members of CFIUS, and devotes considerable resources to that part of the Department's mission. If confirmed, I would certainly embrace the Department's foreign investment review work as a significant part of my role, and would prioritize the Department's work to appropriately balance the nation's open investment climate with the need to ensure that foreign investment does not harm the national security interests of the United States.

China

QUESTION 19: What threat does the Chinese Communist Party (CCP) pose to the national security of the United States?

RESPONSE: I agree with Secretary of State Blinken who has said that China represents the most significant challenge to the United States of any country in the world. If confirmed, I will assess the Department's current structure and capacity to counter such threats and fully support the President's national security team in protecting the American people's security, prosperity, health, and way of life against all enemies.

QUESTION 20: What is your assessment of the CCP's tactics to achieve global dominance, particularly as it relates to their efforts within the United States?

RESPONSE: Because I am not currently in government, I cannot speak to current intelligence assessments. However, the public record makes clear that China is engaging in increasingly aggressive behavior, including stealing our intellectual property, conducting espionage, repressing its own citizens at home and around the world, and asserting power globally.

QUESTION 21: What role does the Department of Justice play, and specifically the Assistant Attorney General for the National Security Division, in ensuring our national security interests are protected?

RESPONSE: The mission of the National Security Division is to carry out the Department's highest priority to protect the United States from threats to our national security by pursuing justice through the law. NSD is designed to ensure greater coordination and unity of purpose between prosecutors and law enforcement agencies, on the one hand, and intelligence attorneys and the Intelligence Community, on the other, thus strengthening the effectiveness of the federal government's national security efforts. More specifically, the Assistant Attorney General is responsible for supervising the prosecutions of counterterrorism and counterespionage cases; advising the Attorney General and the White House, and briefing Congress on matters relating to the national security activities of the United States; overseeing Department policy with regard to intelligence, counterintelligence, or national security matters; administering the Foreign Intelligence Surveillance Act; representing the Department on the Committee on Foreign Investment in the United States, and executing the Attorney General's responsibilities as Chair of the Committee for the Assessment of Foreign Participation in the United States Telecommunications Services Sector (also known as Team Telecom); and providing oversight of intelligence, counterintelligence, or national security matters by executive branch agencies to ensure conformity with applicable law, executive branch regulations, and Departmental objectives, among other duties.

QUESTION 22: What is your assessment of Huawei? Do you consider it to be a national security threat to the United States? Why or why not?

RESPONSE: I am not in government and am not familiar with current intelligence information. I have stated previously, including before Congress in testimony citing intelligence assessments, that Chinese-backed companies like Huawei pose national security risks to the United States. Those risks are well documented. I agree with FBI Director Wray that the United States must “consider carefully the risk that companies like Huawei pose if we allow them into our telecommunications infrastructure.”

Iran and the Western Hemisphere

QUESTION 23: Iran continues to take provocative actions worldwide, including in the Western Hemisphere through at least some coordination with the illegitimate Maduro regime in Venezuela and the communist dictatorship in Cuba. If confirmed, will you commit to maximizing all tools at your disposal as Assistant Attorney General for National Security to penalize and deter Iranian aggression in the Western Hemisphere?

RESPONSE: Iran remains the foremost state sponsor of terrorism and a threat to our forces and partners in the region. The same is true of the Islamic Revolutionary Guard Corps (IRGC), which is a designated terrorist organization and serves as a branch of Iran’s military. The Department plays an important role in investigating and prosecuting material support to terrorist organizations such as the IRGC, and enforcing sanctions against Iran and designated terrorist organizations. Iran also has the expertise and willingness to conduct aggressive cyber operations, including attacks against critical infrastructure, such as the April and July 2020 attacks against Israeli water facilities, as well as to conduct espionage and influence activities. If confirmed, I will continue efforts to disrupt Iran’s malicious activities across the board through all available tools.

QUESTION 24: If confirmed, will you commit to maximizing all tools at your disposal as Assistant Attorney General for National Security to bring to justice members of the Maduro regime?

RESPONSE: I am aware that the Department of Justice last year brought an indictment against Former President of Venezuela Nicolás Maduro Moros, Venezuela’s vice president for the economy, Venezuela’s Minister of Defense, and Venezuela’s Chief Supreme Court Justice, along with additional current and former Venezuelan government officials. If confirmed, I stand ready to offer any support needed from the National Security Division to bring those individuals to justice in accordance with the rule of law.

Publications

QUESTION 25: In March 2019, you coauthored an article in Politico Magazine titled *What Emergency?* in which you stated, in part, “[i]n fact, there is no evidence that terrorists are intent on exploiting the border with Mexico to enter the United States.” Is this your assessment today?

RESPONSE: My statement was based on the 2018 State Department finding that there was “no credible evidence indicating that international terrorist groups [had] established bases in Mexico” or that terrorist groups were working with drug cartels or sending operatives into the U.S. via the southern border. I am not aware if the State Department or Intelligence Community publicly revised that assessment. I firmly believe it is essential that U.S. national security strategy be driven by data and based on expert, non-partisan assessment of threats. If confirmed, that belief would guide my leadership of the National Security Division.

Professional Experience

QUESTION 26: For each of the following, describe specifically how your experiences will enable you to serve effectively as the AAG/NS. Include within each response a description of issues relating to NSD that you can identify based on those experiences.

- a. Chief Trust and Security Officer at Uber Technologies, Inc.;

RESPONSE: As the Chief Trust and Security Officer at Uber, I have led a global team with responsibility across a wide range of security-related areas, including cyber security, physical security, public safety operations, and corporate investigations. This experience has provided me with a deep appreciation of the challenges global companies face operating in a dynamic threat environment and of the importance of cooperation between the public sector and the private sector in confronting these challenges. I also have gained valuable management experience leading a large and diverse team operating in hundreds of cities around the world.

- b. President of IronNet Cybersecurity, Inc.

RESPONSE: In 2014 when I left government service, I co-founded IronNet Cybersecurity, along with former NSA director Keith Alexander and others. Our goal was to build a company that would provide products and services to companies and governments to enable them to confront advanced cyber threats and prevent cyber attacks. This experience provided me with a greater understanding of the nature of the cyber threat landscape and the challenges companies face in this context. I also expanded my network of government and business leaders and innovators in the cyber security field.

- c. Director of the National Counterterrorism Center;

RESPONSE: I served for three years as the Director of the National Counterterrorism Center under President Obama. Created by Congress in response to the attacks of September 11, 2001, NCTC is responsible for the integration and analysis of terrorism information and strategic operational planning of counterterrorism activities. In this role as a leader in the Intelligence Community, I worked closely with the Department of Justice and National Security Division and gained directly relevant experience on the critical interaction between NSD and the intelligence agencies, particularly in the context of counterterrorism activities.

- d. General Counsel for the National Security Agency;

RESPONSE: As the NSA General Counsel, I Served as the chief legal officer for NSA, providing advice and representation on all of NSA's missions, including intelligence and counterterrorism operations and cybersecurity. I worked closely with the National Security Division and other elements of the Intelligence Community and gained invaluable experience relating to a range of legal, policy, and compliance issues facing national security officials and operators.

- e. Associate Deputy Attorney General,

RESPONSE: As Associate Deputy Attorney General, I helped to supervise the national security functions of the Department, including the National Security Division, United States Attorney's Offices, and the FBI. I assisted the Deputy Attorney General in the oversight and management of counterterrorism and espionage prosecutions, the litigation before the Foreign Intelligence Surveillance Court.

- f. Special Counselor to the Attorney General, Executive Director, Guantanamo Review Task Force

RESPONSE: As the head of the Guantanamo Review Task Force within the Attorney General's Office, I led the review of detainees at Guantanamo in accordance with an executive order. In this capacity, I was responsible for establishing and supervising an interagency task force of national security professionals from across the federal government and for managing the process for compiling and analyzing the relevant intelligence information on each detainee. I worked in close coordination with the Department of Justice, including NSD and the Civil Division. I gained experience bringing together a diverse group of officials from multiple agencies, with a range of perspectives, to reach consensus on the challenging legal, policy, and operational issues relating to detainees.

- g. Deputy Assistant Attorney General, National Security Division at the Department of Justice

RESPONSE: As a senior career official in the Department of Justice's National Security Division—a newly formed division in the Department—I managed intelligence and surveillance operations and the oversight of these activities. In this role, I managed over 125 attorneys and support staff members dedicated to the Department's intelligence operations and oversight units. In addition, I was responsible for managing the Department of Justice's implementation of landmark changes in the Foreign Intelligence Surveillance Act and worked in close collaboration with the Intelligence Community to interpret new statutory provisions, address policy and technical challenges, and adopt new oversight mechanisms to ensure the effective and lawful use of the government's new surveillance authority. During the 2009 Presidential transition, I served as the acting Assistant Attorney General for National Security, overseeing the work of the entire division.

QUESTION 27: Since leaving government service in 2014, you have been employed by numerous private sector companies and organizations. For each of the following, please describe specifically the nature of the company or organization and the work you performed on behalf of the company or organization.

- a. Uber Technologies, Inc.;

RESPONSE: Uber is a global technology company based in San Francisco that provides mobility and delivery services. I manage a global team that is responsible for cyber security, physical security, public safety operations, and corporate investigations.

- b. Hart InterCivic, Inc.;

RESPONSE: Hart InterCivic Inc. is a privately held company based in Texas that provides election technologies and services to government jurisdictions. I am a member of the board of directors.

- c. WestExec Advisors;

RESPONSE: WestExec Advisors is a strategic advisory firm that offers geopolitical and policy advice on trends and risks, economic developments, and the evolving technological landscape. I was a part-time consultant for the firm and focused on cyber security matters.

- d. Fairfax National Security Solutions;

RESPONSE: Fairfax National Security Solutions provides strategic consulting and advisory services to select government clients. I was a part-time consultant for the firm and worked on a matter involving defensive cyber security advice for the Saudi Arabian government.

e. IBM;

RESPONSE: IBM is a multinational technology company headquartered in New York. I was a part-time consultant for IBM, where I focused on IBM's i2 threat intelligence platform.

f. Booz Allen Hamilton

RESPONSE: Booz Allen Hamilton is a multinational management and information technology consulting firm headquartered in Virginia. I was a part-time consultant for Booz Allen Hamilton, where I worked on a project involving advice to the Saudi Arabian government on establishing a counterterrorism analytic center.

QUESTION 28: What, if any, conflicts might arise from your private sector positions if you are confirmed as Assistant Attorney General, and how would you address these conflicts?

RESPONSE: I am not aware of any conflicts of interest arising from my private sector positions. In connection with the nomination process, I have consulted with the Office of Government Ethics and the Department of Justice's designated agency ethics official. If I am confirmed, any potential conflict of interest will be resolved in accordance with the terms of an ethics agreement that I have entered with the Department of Justice's designated agency ethics official, and I will continue to consult with the Department's ethics office.

QUESTION 29: Since leaving government service in 2014, you have been affiliated with numerous organizations. For each of the following, please describe specifically both the nature of the company or organization and your role with the company or organization.

a. Human Rights First;

RESPONSE: Human Rights First is a non-profit, nonpartisan international human rights organization based in New York, Washington D.C., Houston, and Los Angeles. I am a member of the board of directors.

b. Center for a New American Security;

RESPONSE: The Center for a New American Security is a Washington, D.C. based think tank that focuses on U.S. national security. As an adjunct senior fellow, I have focused on issues such as cyber security, counterterrorism, and surveillance.

c. National Security Institute;

RESPONSE: The National Security Institute is a non-profit advocacy organization affiliated with George Mason University. I am member of their advisory board.

d. Foreign Policy for America;

RESPONSE: Foreign Policy for America is a nonpartisan advocacy organization based in Washington, D.C., focused on U.S. foreign policy. I am a member of their advisory board.

e. Center for American Progress;

RESPONSE: The Center for American Progress is an independent nonpartisan policy institute based in Washington, D.C. I am a nonresident senior fellow and have focused on national security issues.

f. Noblis;

RESPONSE: Noblis is a non-profit science, technology, and strategy organization based in Washington, D.C. I am a member of Noblis's national security advisory board.

g. Enlightenment Capital

RESPONSE: Enlightenment Capital is a private investment firm that provides capital and strategic support to middle market businesses in the aerospace, defense, government and technology sectors. I am a member of their advisory board.

h. Wickr

RESPONSE: Wickr is an American software company based in New York City that has developed several secure messaging apps. I am a member of their federal advisory board.

QUESTION 30: What, if any, conflicts might arise from your affiliations if you are confirmed as Assistant Attorney General, and how would you address these conflicts?

RESPONSE: I am not aware of any conflicts of interest arising from my private sector positions. In connection with the nomination process, I have consulted with the Office of Government Ethics and the Department of Justice's designated agency ethics official. If I am confirmed, any potential conflict of interest will be resolved in accordance with the terms of an ethics agreement that I have entered with the Department of Justice's designated agency ethics official, and I will continue to consult with the Department's ethics office.

Additional Questions from Senator Wyden

Investigations of members and staff of Congress

QUESTION 1: On March 29, 2013, the DNI issued a memorandum on Dissemination of Congressional Identity Information within the Executive Branch, also known as the “Gates Procedures.” Those Procedures, which include a section on congressional notification, also indicate that they do not apply in the following circumstances:

“The dissemination of Congressional identity information for law enforcement purposes, when required by law or when such dissemination is necessary for an IC element to fully satisfy its obligation to report possible violations of federal criminal law, consistent with applicable policies and procedures.”

- a. Under what circumstances do you believe that Congress should be notified of criminal investigations of current or former members and staff?

RESPONSE: The Gates Procedures contain rules that generally govern the dissemination of information by the Intelligence Community that identifies members of Congress or Congressional staff. While I am not familiar with the current operation of these procedures in detail, I understand that the Attorney General and Deputy Attorney General have started a process to evaluate and strengthen the Department’s own policies and procedures for obtaining records related to members of Congress. In light of that ongoing process and given that policies and procedures may have changed since I last served in government, I am not in a position to opine on the circumstances in which notice should be provided to Congress about criminal investigations of current or former members and staff. If confirmed, I will work with Department leadership to evaluate its existing policies and procedures and consider whether any modifications are appropriate.

- b. Who should be the recipient of such notifications?

See above answer.

- c. At what stage in the investigation should the notification occur?

See above answer.

- d. How detailed should the notification be with regard to the predicate for the investigation and nature and legal basis for collection?

See above answer.

Investigations and the news media

QUESTION 2: On May 21, 2021, President Biden referred to subpoenas to seize journalists' communications records in leak investigations as "simply, simply wrong." On June 5, 2021, the Department of Justice announced that it "will not seek compulsory legal process in leak investigations to obtain source information from members of the news media doing their jobs."

- a. How do you intend to implement and enforce this policy within the National Security Division?

RESPONSE: Based on public statements, I understand that the Attorney General plans to issue a memorandum with further guidance about the implementation of this policy, including definitions of key terms. I would await the issuance of that memorandum and, if confirmed, I will ensure that the Division adheres to Department policy.

- b. Will you release to the public any implementing guidelines related to this policy?

RESPONSE: Because the guidance related to implementation of this policy will be issued by the Attorney General, I would defer to the Attorney General regarding its release to the public.

- c. Do you believe that the government should seek information on members of the news media to obtain source information through means other than "compulsory legal process"? If yes, please describe those means.

RESPONSE: I understand the Department's policy to mean that prosecutors generally will not be permitted to use subpoenas or other compulsory legal processes to obtain information about sources from members of the media or from third parties such as internet or telephone service providers with which media members have accounts. I would not want to speculate about other circumstances in which Department officials could potentially seek information from members of the news media, such as on a voluntary basis.

QUESTION 3: In a November 5, 2014, letter to the *New York Times*, then-FBI Director James Comey described how an FBI employee communicating online with a suspect portrayed himself as an employee of the *Associated Press*. Director Comey described this tactic as "legal" and "appropriate." Do you believe it is appropriate for the government to impersonate news organizations?

RESPONSE: I am not familiar with the specific circumstances involved in the above-referenced letter. I understand the concerns that may arise in connection with an undercover operation of this nature and, if confirmed, I will review this issue in more detail.

Title V of FISA

QUESTION 4: If Section 215 of the USA PATRIOT Act were to be reauthorized, do you believe it should be used to collect “tangible things” if they do not pertain to: (1) a foreign power or an agent of a foreign power; (2) the activities of a suspected agent of a foreign power who is the subject of an authorized investigation; or (3) an individual in contact with, or known to, a suspected agent of a foreign power who is the subject of an authorized investigation?

- a. If yes, under what circumstances do you believe the application for a Section 215 order could be based on the “relevance” standard without satisfying any of the above three requirements for presumptive relevance?

RESPONSE: As stated previously, because I am not currently working at the Department, I am not privy to such circumstances. I will ensure that the nation’s surveillance activities comply with laws passed by Congress and our Constitution.

QUESTION 5: In a November 6, 2020, letter, then-DNI Ratcliffe wrote that, “with respect to the use of Title V [of FISA] to obtain records from ISPs, the FBI does not request and obtain pursuant to Title V the content of any communication, to include search terms submitted to an online search engine.”

- a. Do you agree that internet search information constitutes content of communications and thus can only be obtained with a probable cause warrant?

RESPONSE: Because I am not in the Department, I do not know all of the relevant facts. It is certainly true that the government must safeguard the constitutional rights of all Americans. Congress created the FISC so that the judicial branch is fully empowered to make determinations regarding the appropriate constitutional and statutory requirements.

- b. Does this warrant requirement apply regardless of how or from whom the information might be obtained?

RESPONSE: See above answer (a.).

QUESTION 6: On November 25, 2020, then-DNI Ratcliffe sent a letter stating that an order pursuant to Title V of FISA had “directed the production of log entries for a single, identified U.S. web page reflecting connections from IP addresses registered in a specified country that occurred during a defined period of time.”

- a. During her confirmation process, Director Haines stated that the ODNI would brief the Committee on this collection pending the outcome of a Department of Justice review. If confirmed, will you prioritize the completion of that review and ensure that the Committee is briefed?

RESPONSE: I am not familiar with the order mentioned in Director Ratcliffe's letter, but, if confirmed, I will have an opportunity to better understand how Title V authorities are exercised in practice, and I pledge to work with my counterparts across the government to ensure Congress is fully informed of the circumstances of the matter. When it comes to FISA, it is important that the Committee is appropriately briefed on the incident referenced in the letter. If confirmed, I will work to ensure that all IC activities are carried out in accordance with the Constitution and federal law.

- b. Does the government have the authority now, or in the event of a reauthorization of Section 215 of the USA PATRIOT Act, to collect log entries for web pages reflecting connections to persons inside the United States?

RESPONSE: See above answer (a).

Section 702 of FISA

QUESTION 7: For years, the FBI's U.S. person queries of data collected pursuant to Section 702 has included extensive documented abuses, including numerous queries unrelated to national security and "batch queries" of large numbers of individuals. In its November 18, 2020, Memorandum and Opinion, the FISA Court wrote that it remained "concerned about the apparent widespread violations of the querying standard," and noted that it lacked information to confirm that changes promised by the FBI had been implemented. Given the failure of the FBI to resolve this long-standing problem, do you agree that probable cause warrants should be required for U.S. person queries of Section 702 data?

RESPONSE: Based on my years of service in the Department of Justice and Intelligence Community, I believe that Section 702 is a critical tool to protecting our national security. If confirmed, I examine the concerns that the FISC noted in its November opinion to determine the cause and implement solutions to help ensure the problem does not recur. From what I have read in the publicly released FISC opinion, these FBI queries were conducted against unminimized data lawfully acquired by the government pursuant to Section 702. The opinion also discusses remedial actions taken by the FBI to address their noncompliant queries. If confirmed, I will seek a briefing on these remedial measures to determine if I believe they are sufficient to address the compliance issues.

QUESTION 8: During his confirmation process, Assistant Attorney General for National Security John Demers was asked about the prohibition on reverse targeting in Section 702. He responded:

"As I understand it, determining whether a particular known U.S. person has been reverse targeted through the targeting of a Section 702 target necessitates a fact specific inquiry that would involve consideration of a variety of factors. For example, as the Privacy and Civil Liberties Oversight Board noted in its 2014 report, if a Section 702 tasking resulted in substantial reporting by the Intelligence Community regarding a U.S. person, but little reporting about a Section 702 target, that might be an indication that reverse targeting may have occurred."

How should this “fact specific inquiry” be implemented through the Section 702 nominations and querying processes of Intelligence Community entities?

RESPONSE: If confirmed, I will study this issue carefully and consult with Intelligence Community lawyers and the Attorney General to ensure that all collection activities are conducted in accordance with the Constitution and the law. If confirmed, I look forward to managing the important Section 702 oversight function of the Division and will endeavor to ensure a robust effort aimed at preventing reverse targeting.

QUESTION 9: Do you believe Section 702 of FISA authorizes the collection of communications known to be entirely domestic?

RESPONSE: It is my understanding from my time working in NSD that Section 702 explicitly prohibits the government from intentionally acquiring any communication as to which the sender and all intended recipients are known at the time of the acquisition to be located in the United States.

QUESTION 10: The 2018 legislation reauthorizing Section 702 of FISA codified limitations on the use of U.S. person information in criminal proceedings.

- a. Do you believe these limitations should be extended to other provisions of FISA?
- b. The limitations include an exception for “transnational crime, including transnational narcotics trafficking and transnational organized crime.” Please describe the full scope of “transnational crime” in this context.

RESPONSE: I have not worked in government since the passage of the 2018 reauthorization of Section 702. If confirmed, I will review the implementation of the provision and consult with the Department leadership and others on whether its limitations should be extended to other provisions of FISA or if there are areas where further amendments to FISA are needed.

QUESTION 11: Under Section 702 of FISA, the government can direct an electronic communications service provider to provide “assistance necessary to accomplish the acquisition.” Under Section 702(h)(5), if the provider does not comply with a directive, the government may seek an order from the FISA Court to compel compliance. Prior to the reauthorization of Section 702 in 2018, the government stated that it had “not to date sought an order pursuant to Section 702(h) seeking to compel an electronic communications service provider to alter encryption afforded by a service or product it offers.”

- a. Do you believe that the government should inform the FISA Court should it issue a directive to a provider to alter the encryption afforded by a service or a product, regardless of whether the government files a motion to compel compliance?

RESPONSE: I confirmed, I look forward to working with Congress to ensure that the government complies with its obligations under FISA. I am not familiar with the specific facts referenced in the question, but, if confirmed, I will have an opportunity to better understand how this authority is exercised in practice. I pledge to work with my counterparts across the government to ensure Congress is fully informed consistent with the government's obligations under the National Security Act.

- b. Will you commit to notifying Congress of any such directive?

RESPONSE: See above answer.

- c. Do you believe the public should be informed should the facts underlying the government's public statement related to Section 702(h)(5) change?

RESPONSE: See above answer.

Other surveillance matters

QUESTION 12: Title 50, section 1812, provides for exclusive means by which electronic surveillance and interception of certain communications may be conducted. During her confirmation process, Director Haines stated that, "the President must take care that the law be faithfully executed and Title 50, Section 1812 is no exception." Do you agree that this provision is binding on the President?

RESPONSE: Yes, I agree that the President must take care that the law be faithfully executed and Title 50, Section 1812 is no exception.

QUESTION 13: Do you agree that the FISA Court *amici* play an important role in raising significant matters of law with the Court? If yes, do you believe that granting the *amici* access to all FISA information, as provided for in Section 215 reauthorization legislation passed by both houses of Congress, helps the *amici* fulfill the role of raising issues with the Court?

RESPONSE: I believe that amici play an important role in rising significant legal matters with the FISC and FISC-R. The existing statute in Section 1803(h)(i)(6)(A) provides that the amicus curiae shall have access to any legal precedent, application, certification, petition, motion, or such other materials that the court determines are relevant to the duties of the amicus curiae. It is thus up to the FISC to determine those materials relevant to the amicus curiae. The amicus curiae may also ask the court for access to other materials, but ultimately it is the FISC that should decide whether those materials are relevant to the specific duties of the amicus curiae in the matter in which they were appointed. In addition, the current statute provides that an amicus curiae may have access to classified documents, information, and other materials or proceedings to the extent consistent with the national security of the United States.

QUESTION 14: The Privacy and Civil Liberties Oversight Board's (PCLOB's) March 5, 2021, report on Executive Order 12333 stated that, "[a]s technology and the law evolve at an ever-faster pace, the IC's review and revision of elements' Attorney General-approved guidelines should proceed at a similar rate. Up-to-date guidelines will better safeguard U.S. persons' privacy and civil liberties and support intelligence mission needs." Do you agree to review the Attorney General-approved guidelines to ensure they are up to date with changes in law and technology?

RESPONSE: If confirmed, I will review the Attorney General-approved guidelines to determine if updates should be made in light of changes in law and technology.

QUESTION 15: The PCLOB's March 5, 2021, report on EO 12333 stated:

"As agencies implement their new or revised Attorney General-approved guidelines, such lower-level policies likewise must be updated to reflect new privacy and civil liberties safeguards. For instance, some agencies' new or revised Attorney General-approved guidelines for the first time address 'bulk collection.' As a result, activity-specific policies that relate to such activities must be updated to address the safeguards now afforded by the revised procedures, as well as PPD-28 and other intervening developments in the law. These also may include, for example, new or revised training requirements and updated database user manuals."

Will you review Intelligence Community privacy and civil liberties safeguards, as well as policies, training, manuals and other guidance, and ensure that they are consistent with Attorney General-approved guidelines and the public's understanding of the legal and policy framework for IC collection?

RESPONSE: Yes, if confirmed I will review Intelligence Community privacy and civil liberties safeguards, as well as policies, training, manuals and other guidance, and ensure that they are consistent with Attorney General-approved guidelines and the public's understanding of the legal and policy framework for IC collection.

QUESTION 16: The PCLOB's March 5, 2021, report on EO 12333 also stated that IC elements should review their legal and constitutional analysis regularly and revise them as necessary to reflect changes in the law and technology. For example, technological changes can affect the scope and nature of U.S. person information collected or how the IC queries and retains U.S. person information. Do you agree to conduct a review of IC entities' legal analysis regarding EO 12333 collection to ensure that it reflects changes in the law and technology?

RESPONSE: Yes. If confirmed, I agree to review legal analysis from the IC regarding 12333 collection in light of changes in law/technology.

QUESTION 17: According to a chart posted by the ODNI, only the Department of the Treasury Office of Intelligence and Analysis does not have finalized Attorney General-approved EO 12333 procedures. During their confirmation processes, Director Haines and DNI General Counsel Fonzone committed to prioritizing the completion and public dissemination of those procedures. Will you likewise make this a priority?

RESPONSE: Yes. If confirmed, I will make this a priority.

QUESTION 18: The Department of Justice has published policy guidance on the use of cell-site simulator technology, often referred to as stingrays. The guidance requires law enforcement to obtain a probable cause warrant for the use of stingrays, other than in emergencies. Do you believe that the IC should obtain a FISA probable cause warrant for the domestic use of stingrays consistent with the conduct of electronic surveillance under FISA?

RESPONSE: I have not had occasion to consider this issue in depth. If confirmed, I look forward to doing so and would work with the Department of Justice and the General Counsels of the IC elements to ensure that the IC's intelligence activities are conducted in conformity with the Constitution, applicable federal law, and Executive Orders.

QUESTION 19: On August 1, 2017, Senators Leahy, Lee, Franken and I wrote to then-Attorney General Sessions asking about the impact on Americans of the use of stingrays and the Department of Justice's representations about stingrays to the courts. The response was marked Law Enforcement Sensitive. If confirmed, will you release that response to the public, as requested in a May 17, 2018, letter from Senators Leahy, Lee and myself?

RESPONSE: If confirmed, I look forward to looking into this issue in depth. Since I have not been in the government for a number of years, I am not privy to the Department's position on this.

QUESTION 20: In December 2020, the Department of Justice Office of the Inspector General released its Audit of the Federal Bureau of Investigation's Strategy and Efforts to Disrupt Illegal Dark Web Activities. The audit described Network Investigative Techniques (NITs) which "require computer exploits that the FBI is increasingly developing for national security purposes but not for criminal investigations." If confirmed, will you agree to make public annual statistics on the number of times these computer exploits have been used in national security cases and how often they have been used against Americans?

RESPONSE: If confirmed, I look forward to studying this issue carefully to determine whether there are additional steps that can ensure security protections, consistent with the need to protect national security. I will ensure that all intelligence activities are conducted in conformity with the Constitution and federal laws.

QUESTION 21: In June 2018, in the case of *Carpenter v. U.S.*, the U.S. Supreme Court found that the government's collection of cell-site locational records was a Fourth Amendment search. In November 2019, the government acknowledged that it was not collecting cell-site or GPS information pursuant to Section 215 of the USA PATRIOT Act, which does not require a warrant. In 2020, both houses of Congress passed legislation reauthorizing Section 215 that prohibited such collection, although the legislation was not passed into law.

- a. Do you agree that, should Section 215 be reauthorized, it should not be used to collect cell-site or GPS information?

RESPONSE: Because I am not currently in the Department, I do not know the relevant information necessary to offer an informed view of this issue. I am aware that previously proposed legislation to reauthorize Section 215 included a prohibition on collection of cell-site and GPS information. I know this is an important question and, if confirmed, I will seek to fully understand the relevant issues.

- b. Do you agree that the constitutional principles enunciated in *Carpenter* and reflected in the government's decision with regard to collection under Section 215 applies generally to the IC's collection under other provisions of FISA and EO 12333?

RESPONSE: The government must abide by the Constitution and federal law in all of its intelligence activity. Because I am not currently in the Department, I cannot speak to the how the relevant Supreme Court precedent and government decisions apply to other provisions of FISA and EO 12333.

- c. Do you support transparency with regard to whether, and under what circumstances, *Carpenter* applies to the Intelligence Community?

RESPONSE: As a general matter, I support transparency consistent with the need to protect national security information.

- d. Do you support the issuance of controlling guidance ensuring consistency with regard to the interpretation of *Carpenter* and its application to the Intelligence Community?

RESPONSE: If confirmed, I commit to reviewing whether such guidance would be beneficial. Furthermore, if confirmed, I will seek opportunities to be transparent about the frameworks within which we collect information while protecting sources and methods.

QUESTION 22: Do you believe that the privacy interests of Americans should depend on whether their information is purchased or obtained voluntarily by the government, as opposed to compelled through legal process?

RESPONSE: I am dedicated to the protection of the privacy interests of Americans. If confirmed, I will have an opportunity to better understand how to ensure that information is obtained through the proper process consistent with the civil liberties and privacy interests of Americans.

QUESTION 23: Do you support transparency with regard to the type of information on Americans that the Intelligence Community purchases or obtains voluntarily and the legal basis for that collection?

RESPONSE: As a general matter, I support transparency, consistent with the need to protect national security information. If confirmed, I look forward to learning more about this issue and where there might be opportunities to increase transparency.

QUESTION 24: NSA Director Nakasone has stated that, absent consent of the U.S. person or certain emergency situations, U.S. person queries of communications collected under Executive Order 12333 “normally must be approved by the Attorney General on a case-by-case basis after a finding of probable cause.”

- a. Is there any reason this requirement should not apply to other IC entities, particularly with regard to U.S. person queries of data collected in bulk?

RESPONSE: Under Executive Order 12333, IC entities are required to operate in accordance with Attorney General-approved procedures that provide specific circumstances and limitations under which IC entities may lawfully collect, retain, and disseminate information concerning U.S. persons. These procedures are in place to ensure lawful intelligence activities are carried out in a manner that provides protection for the privacy and civil liberties of Americans. If confirmed, I will make the IC’s compliance with the Attorney General- approved procedures a priority and evaluate whether any additional requirements or other changes would be appropriate.

- b. How, if at all, should evidence of probable cause presented to the Attorney General differ than that required under FISA?

RESPONSE: See above answer.

- c. Please describe any exceptions to this requirement.

RESPONSE: See above answer.

QUESTION 25: Do you agree that no element of the IC can request that a foreign entity conduct any activity that it is not authorized to undertake itself?

RESPONSE: Executive Order 12333 requires all intelligence activities to be consistent with the Constitution and laws and provides that no element of the Intelligence Community may participate in or request any person (including a foreign entity) undertake activities it forbids.

QUESTION 26: What limitations do you believe should apply to the receipt, use or dissemination of communications of U.S. persons collected by a foreign partner or source? How should those limitations address instances in which the foreign partner or source specifically targeted U.S. persons or instances in which the foreign partner or source has collected bulk communications known to include those of U.S. persons?

RESPONSE: From my experience working in NSD and NSA, it is my understanding that the IC elements may not request any person, including a foreign entity, to undertake activities that the Constitution, federal laws, or Executive Orders, including Executive Order 12333, forbid the IC elements themselves to take. If foreign partners or sources collect and share information concerning U.S. persons consistent with this prohibition, IC elements are only authorized to collect, retain, or disseminate such information in accordance with procedures approved by the Attorney General consistent with Executive Order 12333. If confirmed, I look forward to working with the Department and my counterparts in the IC to make sure that all parties are following the procedures outlined by the AG consistent with EO 12333 in an effort to ensure that the privacy and civil liberties of U.S. persons are protected. I will also make it a priority to reevaluate the process to determine if any changes could make the process more effective.

QUESTION 27: Do you believe that communications data collected in transit are or should be treated differently than communications data at rest? Please address any distinctions as they may apply to FISA, EO 12333, PPD-28, and USSID 18.

RESPONSE: As mentioned above, it is critical that all IC activities involving communications data are carried out in accordance with the Constitution and applicable federal law, including FISA. This is also applicable to Presidential orders such as Executive Order 12333 and PPD-28, and their applicable implementing procedures, USSID 18.

QUESTION 28: In March 2019, the Department of Justice Inspector General released its "Review of the Drug Enforcement Administration's Use of Administrative Subpoenas to Collect or Exploit Bulk Data." Do you believe that the subpoena authorities in question, and 21 U.S.C. § 876(a) in particular, allow for bulk collection?

RESPONSE: Because I haven't been with the Department for a number of years, I am not familiar with the details of DEA's use of administrative subpoenas outside of what was outlined in the Inspector General's report. If confirmed, I would work to ensure that these intelligence activities are conducted in conformity with the Constitution, applicable federal laws, and Executive Orders.

QUESTION 29: Do you believe that the government should be able to hack all visitors to a particular website with a single warrant, even when those visitors were not previously known and visits to the web site are not per se a crime?

RESPONSE: I am not familiar with the specific nature of the activities described in the question. In general, the Fourth Amendment requires that any warrant must describe with particularity "the place to be searched, and the persons or things to be seized."

Whistleblowers

QUESTION 30: The statutes governing Intelligence Community Inspectors General state that whistleblower complaints determined by the Inspectors General to be "urgent concerns" "shall" be transmitted to Congress. (50 U.S.C. 3033(k)(5)(C), 50 U.S.C. 3517(d)(5)(C), 5 U.S.C. App 8H(c)).

- a. Do you agree that the law requires that whistleblower complaints determined by the IC Inspector General to be an "urgent concern" be transmitted to Congress?

RESPONSE: If confirmed, I commit to transmitting to Congress whistleblower complaints determined by the Inspector General to be an urgent concern.

- b. If yes, do you agree with the concerns expressed by 67 Inspectors General in an October 22, 2019, letter sent by the Council of the Inspectors General on Integrity and Efficiency (CIGIE) about the Office of Legal Counsel's September 3, 2019, opinion?

RESPONSE: I am not familiar with the letter referenced in the question but, if confirmed, I will seek to review to understand the concerns raised.

QUESTION 31: The law states that whistleblowers must obtain from the DNI, through the IC Inspector General, "direction on how to contact the congressional intelligence committees in accordance with appropriate security practices." Do you agree that this provision does not permit the DNI to deny whistleblowers direct access to Congress altogether?

RESPONSE: I understand that the Director of National Intelligence has pledged to not deny the IC Inspector General direct access to the Congress.

PCLOB

QUESTION 32: Do you agree that the reports of the PCLOB should be released to the public, to the greatest extent possible, and that the public should have access to the three reports referenced in the PCLOB's March 5, 2021, report on EO 12333?

RESPONSE: I believe transparency is important, consistent with the need to protect classified or otherwise sensitive information. I agree that the PCLOB's reports should be made public, consistent with the protection of sources and methods, and, if confirmed, would support efforts to provide such transparency into the PCLOB's work.

QUESTION 33: Do you believe the mandate of the PCLOB should be expanded beyond counterterrorism so that it can review any IC program or activity that affects the privacy and civil liberties of Americans?

RESPONSE: If I am confirmed, I will consult with the PCLOB about the effectiveness of its current mandate and assess whether changes to it should be instituted by working closely with Congress.

Detention and interrogation

QUESTION 34: Do you believe that any of the CIA's former enhanced interrogation techniques are consistent with the Detainee Treatment Act, the U.S. statutory prohibition on torture, the War Crimes Act, or U.S. obligations under the Convention Against Torture or Common Article 3 of the Geneva Convention?

RESPONSE: Waterboarding is torture, and all techniques that constitute inhumane and degrading treatment are prohibited by law. If confirmed, you have my commitment that I will ensure that I and the National Security Division will follow the law.

Lethal authorities

QUESTION 35: Please describe your view of the legal implications of targeting or otherwise knowingly killing a U.S. person in a U.S. government lethal operation. What additional transparency do you believe would be warranted in that situation?

RESPONSE: I agree with the CIA Director that "[t]he decision to target a U.S. citizen with lethal force is one of the most serious decisions that the U.S. Government could confront and is generally contemplated by an Administration only in narrow circumstances – for example when a U.S. citizen is part of enemy forces within the scope of a force authorization. Any proposal must be lawful, authorized by the President under a framework approved by the Department of Justice, and take into account that person's constitutional rights." I believe that in these circumstances and elsewhere, the government should offer the maximum amount of transparency about national security matters possible consistent with the need to protect national security.

Transparency

QUESTION 36: Will you support the declassification and public release of any interpretation of law that provides a basis for intelligence activities but is inconsistent with the public's understanding of the law?

RESPONSE: Yes, I support such declassification and release to the extent consistent with the protections of sources and methods.

QUESTION 37: If you or any other individual from the National Security Division were to say something pertaining to national security that was factually inaccurate in public, would you correct the public record?

RESPONSE: I would always strive to be factually accurate in my own statements and in other statements made by the National Security Division. If I were to later learn that a statement was factually inaccurate, I would take action to correct the record. If I were unable to make a public correction consistent with the requirement to protect classified information, I would inform the intelligence committees of the inaccuracy in a classified setting.

State secrets

QUESTION 38: In the state secret case of *United States v. Zubaydah* before the U.S. Supreme Court, the Department of Justice has represented that, in releasing its Study of the CIA's Detention and Interrogation Program, the Senate Select Committee on Intelligence redacted the names of countries that hosted CIA detention sites. The Department made this representation in its December 2020 Petition for a Writ of Certiorari and its March 2021 Reply Brief. These representations are inaccurate on their face, as the Committee does not redact information, and are contradicted by the Study itself, which repeatedly emphasized not only the CIA's redactions, but the Agency's desire to mask the names of the countries in the classified version of the Study. If confirmed, will you ensure that these misrepresentations to the Court are corrected?

RESPONSE: I cannot comment on pending litigation. However, I commit to always ensuring that our representations to the Court are accurate.

SELECT COMMITTEE ON INTELLIGENCE

UNITED STATES SENATE



Post-hearing Questions for

**Mr. Matthew Olsen upon his nomination to be Assistant Attorney General
for the National Security Division, Department of Justice**

[From Senator Wyden]

1. In a November 6, 2020, letter, then-DNI Ratcliffe wrote that, “with respect to the use of Title V [of FISA] to obtain records from ISPs, the FBI does not request and obtain pursuant to Title V the content of any communication, to include search terms submitted to an online search engine.” You testified that “the collection of search terms or browser history raises serious privacy concerns.” Do you believe, as then-DNI Ratcliffe wrote, that search terms submitted to an online search engine constitute content?

RESPONSE: I have not had an opportunity to review DNI Ratcliffe’s letter and therefore I am not in a position to assess his statement. The USA PATRIOT Act of 2001 amended Title V to authorize the government to obtain a court order to acquire “tangible things” for foreign intelligence purposes. That provision expired in 2020. If it is reauthorized and if I am confirmed, I will seek to understand how Title V will be applied.

To the extent your question encompasses government access to search terms in contexts other than Title V of FISA, I am not aware of how courts have ruled on the government’s authority to obtain search terms in other contexts. In my experience, the answer is likely to turn on the particular facts of an investigation and the applicable tools and authorities. If confirmed, I will work with others in the Justice Department and Intelligence Community to make sure there is appropriate guidance and oversight related to this issue.

2. At your confirmation hearing, you, along with the nominees to be Principal Deputy DNI and Intelligence Community Inspector General, testified that the law requires that a whistleblower complaint determined by the inspector general to be an urgent concern must be transmitted to Congress. The DNI and DNI General Counsel have also testified to that effect. This consensus runs counter to a September 3, 2019, Memorandum Opinion of the Office of Legal Counsel, which 67 inspectors general have likewise described as “wrong as a matter of law and policy.” The inspectors general further warned that “the OLC opinion, if not withdrawn or modified, could seriously undermine the critical role whistleblowers play in coming forward to report waste, fraud, abuse, and misconduct across the federal government.” Moreover, according to the inspectors general, the OLC’s interpretation of the law “has the potential to undermine IG independence across the federal government” and “creates a chilling effect on effective oversight.” If you are confirmed, will you review the OLC opinion to determine whether to make a formal request of the OLC to modify or withdraw it?

RESPONSE: Because I am not in the Department, I am not aware of what process the Attorney General or OLC might have for reviewing prior OLC opinions. I understand the Committee’s interest in and concern about the referenced opinion, and as the Department’s primary liaison to the Director of National Intelligence, I believe the Assistant Attorney General for National Security would be expected to play a role in questions directly related to the intelligence community. If confirmed, I commit to working within the Department in an effort to ensure that the intelligence community now and in the future is fully and appropriately complying with whistleblower laws.

3. In 2007 and 2008, you participated on behalf of the National Security Division in the case of *In Re Directives to Yahoo Inc. Pursuant to Section 105B of the Foreign Intelligence Surveillance Act*, a challenge by Yahoo!, Inc. to the Protect America Act.
- The government’s FISA Court motion for an order of civil contempt requested that, if the Court denied Yahoo’s motion for a stay, the Court should impose a “coercive fine of a minimum of \$250,000 for each additional day that Yahoo fails to comply, with the fine to double for each successive week that Yahoo fails to comply with the Court’s April 25, 2008, Order.” Is there a public interest in a constitutional challenge to a novel and controversial collection authority, particularly when the public is unaware of how that authority is being implemented? If so, is there a point at which coercive fines against the challenger undermine that public interest?

RESPONSE: Yes, I believe there is a public interest in recipients of FISA process being able to bring constitutional challenges to the law. It is my understanding that the fine requested by the government was not intended to deter Yahoo! from asserting its legal rights. Rather, the government filed a motion requesting the above-referenced fine after the FISA Court had ruled that the directives issued to Yahoo! complied with applicable statutes and the Constitution. Because the FISA Court denied a stay pending Yahoo!’s appeal to the FISA Court of Review, Yahoo! was legally obligated to begin complying with the directives issued to it during the pendency of that appeal. As such, the government requested that the FISA Court impose a penalty in the event of the company’s failure to comply.

- The government’s ex parte brief to the FISA Court of Review took the position that “Yahoo may not vicariously invoke the constitutional rights of third parties not before the Court, i.e. U.S. persons whose communications are acquired pursuant to the directives.” In cases in which such U.S. persons are unaware that their communications are collected, who, if not the providers receiving the directives, can submit a constitutional challenge to the collection?

RESPONSE: In the above-referenced case, the FISA Court of Review held that Yahoo! had standing to challenge the directives it had received based on the Fourth Amendment rights of its customers. Similarly situated providers may therefore bring such challenges in analogous circumstances.